Environmental Impact Report (EIR-14-01) for the University Innovation District Sectional Planning Area Plan

CEQA Findings of Fact and Statement of Overriding Considerations

July 23, 2018

TABLE OF CONTENTS

BEFORE THE CHULA VISTA CITY COUNCIL

RE: University Innovation District Sectional Planning Area Plan Environmental Impact Report (EIR); EIR-14-01; SCH #2014121097

FINDINGS OF FACT

I. INTRODUCTION AND BACKGROUND

The Final Environmental Impact Report (EIR) prepared for the University Innovation District Sectional Planning Area (SPA) Plan (Project) addresses the potential environmental effects associated with implementation of the Project. In addition, the Final EIR evaluates two alternatives to the Project. These alternatives include the following: (1) No Project (No Build) Alternative; and (2) the Reduced Project Alternative.

The Final EIR represents a second tier EIR, in accordance with California Environmental Quality Act (CEQA) Section 21094, and tiers from the certified Supplemental EIR (SEIR 09-01/SCH #2004081066) to the City's General Plan Update EIR (EIR 05-01/SCH #2004081066) for the Main Campus Property and the certified EIR (EIR 01-01/SCH #2000071019).

These findings have been prepared in accordance with requirements of CEQA (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., Title 14, §15000 et seq.).

II. ACRONYMS AND ABBREVIATIONS

ADT	Average Daily Trips
CEQA	California Environmental Quality Act
City	City of Chula Vista
County	San Diego County
EIR	Environmental Impact Report
FAR	Floor Area Ratio
GDP	General Development Plan
GPA	General Plan Amendment
mgd	million gallons per day
OCPs	organochlorine pesticides
RTP	Regional Technology Park
SCH	State Clearinghouse
SPA	Sectional Planning Area
TAC	Toxic Air Contaminants
UID	University Innovation District

III. PROJECT DESCRIPTION

The Project site includes a total of approximately 383.8 acres of land in the communities of Otay Ranch and Eastlake III in the City known as the UID planning area, which is split between the 353.8-acre Main Campus Property to the west and the 30-acre Lake Property to the east, just west of Lower Otay Lake. The Project site is located entirely within the southeastern portion of City of Chula Vista (City), California. The City is located in San Diego County (County) and is approximately seven miles southeast of the downtown area of the City of San Diego and about seven miles north of the U.S.-Mexico International Border.

The UID SPA Plan includes a mixed-use development of academic/university, commercial, retail, residential, and recreational uses. At buildout, the Project would offer a unique community that reflects a growing demand for dynamic, urban education centers. The Project takes many qualities of a traditional campus (e.g., open landscaped spaces and coherent architectural edges) and integrates them with several qualities of a contemporary town center (e.g., pedestrian-friendly streets and multi-use buildings with retail at street level). Mixed-use development would be permitted throughout the Project site and would relate and transition to the adjacent mixed-use Otay Villages 9, 10 and 11, and Millenia areas.

The UID SPA Plan utilizes a classic urban grid on the Main Campus Property, which is divided into about 35 mostly rectangular city blocks. The UID SPA Plan includes three distinct, gridded “clusters.” The boundaries of the clusters were determined using the existing canyons and key thoroughfares such as Hunte Parkway and Orion Avenue. The three clusters are comprised of six “transects.” Each transect features distinct but compatible floor area ratios (FARs) and design characters. To facilitate high compatibility with land uses surrounding the Project site, the UID SPA Plan focuses higher densities (e.g., urban and campus development) within the center of the Main Campus Property and transitions into less dense development and open space and habitat conservation at the edges of the property near the Otay Ranch Preserve (Preserve). The Lake Property features mostly habitat conservation areas with some low-intensity satellite academic uses with limited building footprints.

In addition to six transects, the UID SPA Plan includes two special districts, three open space sectors, and a preserve edge. While the transects and special districts consist of areas identified for urban development, the sectors include areas identified as pedestrian walkways, common space, and habitat conservation areas. The use of transects, special districts, and open space sectors allows for the facilitation of development by form and intensity rather than by land use. An overview of the transects, special districts, and open space sectors is provided in Table 1 below.

Table 1 UID SPA LAND USES			
Transect/Sector	**Acres**	**Maximum Floor Area Ratio**	**Maximum Gross Square Feet**
T-6: Gateway District	20.0	2.0	2,098,000
T-5: Urban Core	25.3	2.5	2,757,700
T-4: Town Center	33.6	2.0	2,929,900
T-3: Campus Commons	29.0	1.3	1,642,400
T-2: Campus Vista	26.4	0.5	575,600
T-1: Future Development	99.8	0.2	--[1]
SD: Lake Blocks	5.2	0.2	47,600
O-3: Pedestrian Walk	14.5	--	N/A
O-2: Common Open Space	39.5	--	15,000[2]
O-1: Open Space	41.1	--	N/A
Streets Rights-of-Way	49.3	--	N/A
TOTAL	**383.8***	**0.2 – 2.5**	**10,066,200**

*Totals may not match due to rounding.

1. Development is encouraged to be focused in Transects T-2 through T-6; however, a maximum of 10 percent of the total developed gross square footage within the other transects may be permitted within Transect T-1 (subject to Design Review and approval by the City Council).
2. Up to 15,000 gross square feet of development are permitted in the Common Open Space for pavilion features.

Proposed off-site utility improvements include drainage improvements (including a detention basin) to the south of the Main Campus Property for storm water conveyance, and sewer improvements to serve the Lake Property. For the Main Campus Property, off-site drainage would be conveyed within pipelines that would follow an existing trail easement to the south of the Project site. For the Lake Property, off-site improvements would be necessary for the proposed sewer system to be located within existing access roads and would connect to the Salt Creek Interceptor between the Lake Property and Main Campus Property. Also, the proposed Project would include a rural trail along an existing 8-foot-wide dirt road within the Preserve as a link between the trails within the UID, Village 10, and the Salt Creek Sewer Interceptor/Greenbelt Trail.

The UID circulation system would provide a system of roadway and trail corridors to support both vehicular and non-vehicular modes of transportation. This system includes the extension of existing and planned roads, trails, and transit from adjacent villages, internal systems to serve the Project site, and a connection to the greenbelt system. Streets in the Project site have been designed as “complete” streets, considering all modes of transportation by providing vehicular travel lanes, bike lanes or bike routes, sidewalks, and transit lanes, where appropriate.

The SPA Plan includes plans to provide adequate infrastructure to the proposed development, including potable and recycled water distribution, sewer service, and storm water collection.

DISCRETIONARY ACTIONS

The discretionary actions to be taken by the Chula Vista City Council include the following:

- Otay Ranch and EastLake III GDP Amendments
- Adoption of the UID SPA Plan and associated documents including:
    - Air Quality Improvement Plan
    - Agriculture Plan
    - Non-Renewable Energy Conservation Plan
    - Preserve Edge Plan
    - Fire Protection Plan
    - Water Conservation Plan
    - Parks, Recreation, and Open Space Master Plan
    - Emergency Disaster Plan
    - Public Facilities Financing Plan
- Certification of a Final EIR and adoption of a mitigation monitoring and reporting program.

Future development proposed in accordance with the Project would require discretionary approvals. Such future discretionary actions are anticipated to include (but are not limited to) the following: Design Review Permits, Conditional Use Permits, Tentative Maps, Final Maps, Subarea Master Plans, Building Permits, and Grading Permits. While future discretionary actions may require additional environmental review, once certified, this EIR can be relied upon for relevant environmental analysis. The City Council will determine whether the Final EIR is complete and in compliance with CEQA and the CEQA Guidelines as part of the certification process.

PROJECT GOALS AND OBJECTIVES

As specified in the Final EIR, the primary goals and objectives of the Project are as follows:

1. Provide higher education opportunities for Chula Vista residents and the broader San Diego-Tijuana region, serving the shifting demographics of the San Diego region, and the United States in general.

2. Prepare students for post-university careers that allow for lasting personal and professional growth.

3. Develop into a financially viable university entity that incorporates the newest educational delivery models.

4. Attract a wide range of educational, research, and industry partners regionally, nationally, and internationally.

5. Assist in developing creative solutions to critical environmental, social, and economic issues facing the world and the community.

6. Serve as an economic engine that contributes to the growth of the City and region, thereby enhancing the quality of life for South Bay[1] residents.

7. Provide a source of high-quality jobs and contribute to diversifying the City's economy.

8. Become an integral part of the fabric of the community, fostering arts and cultural enrichment for residents of Chula Vista and the region.

9. Develop a flexible campus that allows for ongoing growth and innovation, is physically well integrated and connected to the surrounding neighborhood and region.

10. Maximize accessibility to the campus by providing multi-modal streets, access to transit and trails, and amenities that support and encourage alternative modes.

IV. BACKGROUND

Otay Ranch is a partially developed master-planned community that includes a broad range of residential, commercial, retail, and industrial development interwoven with civic and community uses, such as libraries, parks, and schools. The community is 23,000 acres in size and includes an open space preserve system consisting of approximately 11,375 acres. The Otay Ranch GDP is implemented through individual SPA plans that specify the development standards, land plans, goals, objectives, and policies of the GDP for the individual SPAs. Each SPA plan establishes design criteria and defines precisely the type and amount of development permitted in the SPA, as well as other City standards for the SPA.

The City Council initially approved the Otay Ranch GDP in 1993 and it was last amended in 2015. For the Main Campus Property, various updates to the City's General Plan and adoption of SPA plans has occurred since 1993, including three General Plan

[1] "South Bay" refers generally to the region in southwestern San Diego County that includes the cities of Chula Vista, Imperial Beach, National City, and Coronado, as well as the communities of Bonita and Lincoln Acres in the unincorporated County of San Diego and the community of Southeastern San Diego in the City of San Diego.

amendments and two SPA Plan adoptions, the most recent being the Otay Ranch University Villages Project, which involved SPA Plans for Villages 3 North, Village 4, Village 8 East, and Village 10, which was approved in 2015. Under the 1993 Otay Ranch GDP, the Main Campus Property was designed for low density residential and open space uses. In 2005, during the City's comprehensive update to their General Plan, the Main Campus Property, along with other adjacent areas to the west, were redesignated as "Deferral Areas," which were areas that were not affected by the General Plan Update. Land use designations were established for the "Deferral Areas" in 2013 when the General Plan was amended to revise land uses in portions of Villages 4, 7, 8, and 9, part of the Eastern Urban Center (now Millenia), and the Regional Technology Park (RTP) and Planning Area 10/University (the RTP and Planning Area 10/University now comprises the proposed Main Campus Property). Since 2013, amendments to land uses in the adjacent Village 9 were adopted, which resulted in the designation of 50 acres west of Eastlake Parkway (identified as Planning Area JJ) as "University/RTP Site." Finally, in 2014, off-site improvements were approved for Village 10, which identified a borrow site, detention basin, and associated storm drain lines and access roads within portions of the Main Campus Property.

For the Lake Property, a GPA/GDP was initially approved in 1990 for the Olympic Training Center and to establish the Eastlake III Planned Community and identified the Lake Property for recreational use. In 2001, the Lake Property was redesigned for "Public/Quasi-Public" uses, such as a school, agriculture, church, park, or other public service such as a library, museum, or public works facility, with a secondary use of "Low Density Residential" if the site was deemed infeasible for Public/Quasi Public use. Up to 90 single-family residential dwelling units were identified within the Lake Property.

V. RECORD OF PROCEEDINGS

For the purposes of CEQA and the findings set forth below, the administrative record of the City Council decision on the environmental analysis of this Project shall consist of the following:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- The Draft and Final EIR for the Project (EIR-14-01);
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the City's actions on the Project;

- All documents, comments, and correspondence submitted by members of the public and public agencies in connection with this Project, in addition to comments on the EIR for the Project;

- All documents submitted to the City by other public agencies or members of the public in connection with the EIR, up through the close of public hearing;

- Minutes and verbatim transcripts of all workshops, the scoping meeting, other public meetings, and public hearings held by the City, or videotapes where transcripts are not available or adequate;

- Any documentary or other evidence submitted at workshops, public meetings, and public hearings for this Project;

- All findings and resolutions adopted by City decision makers in connection with this Project, and all documents cited or referred to therein; and

- Matters of common knowledge to the City which the members of the City Council considered regarding this Project, including federal, state, and local laws and regulations, and including, but not limited to, the following:

    - Chula Vista General Plan;

    - Relevant portions of the Zoning Code of the City;

    - Otay Ranch General Development Plan;

    - Otay Ranch Resource Management Plan;

    - City of Chula Vista Multiple Species Conservation Program Subarea Plan;

    - Otay Ranch GDP/SRP Final EIR (EIR 90-01; SCH #89010154);

    - Chula Vista General Plan Update Final Program EIR (EIR 05-01; SCH #2004081066);

    - Chula Vista General Plan Amendment/Otay Ranch General Development Plan Amendment Supplemental EIR (SEIR 09-01; SCH #2004081066);

    - Otay Ranch Village 9 SPA Plan and TM EIR (EIR 10-04; SCH #2010061090);

    - Otay Ranch University Villages EIR (EIR 13-01; SCH #2013071077);

    - EastLake III EIR (EIR 89-09)

    - EastLake II Woods and Vistas Replanning Program Subsequent EIR (EIR 01-01; SCH #2000071019); and

- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The custodian of the documents comprising the record of proceedings is Kerry K. Bigelow, City Clerk, whose office is located at 276 Fourth Avenue, Chula Vista, California, 91910.

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if every document was not formally presented to the City Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above but not found in the Project files fall into two categories. The first includes prior planning or legislative decisions of which the City Council was aware in approving the Project (see *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392 [142 Cal.Rptr. 873]; *Dominey v. Department of Personnel Administration* (1988)205 Cal.App.3d 729, 738, fn. 6 [252 Cal. Rptr. 620]). The second includes documents that influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. These two categories of documents form part of the underlying factual basis for the City Council's decisions relating to the adoption of the Project, and for that reason are a part of the record of its decision (see Pub. Resources Code, section 21167.6, subd. (e)(10); *Browing-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal. App.3d 852, 866 [226 Cal.Rptr. 575]; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155 [39 Cal.Rptr.2d 54]).

VI. FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects." (Emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which would avoid or *substantially lessen* such significant effects" (emphasis added). Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see Pub. Resources Code, §21081, subd. (a); CEQA Guidelines, §15091, subd. (a)). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the

project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines, §15091, subd. (a)(1)). The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines, §15091, subd. (a)(2)). The third potential finding is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR" (CEQA Guidelines, §15091, subd. (a)(3)). Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations (see also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr. 410]).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (see City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417 [83 Cal.Rptr. 898]). "'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (Ibid.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182]).

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Pub. Resources Code, §21002).

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level. These interpretations appear to be mandated by the holding in Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 519-527 [147 Cal.Rptr. 842], in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, specify whether the effect in question has been reduced to a less than significant level or has simply been substantially lessened but remains significant.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (CEQA Guidelines, § 15091, subd. (a), (b)).

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible environmentally superior alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines, §§15093, 15043, subd. (b); see also Pub. Resources Code, §21081, subd. (b)). The California Supreme Court has stated that, "[t]he wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced" (Goleta, supra, 52 Cal.3d 553, 576).

VII. LEGAL EFFECTS OF FINDINGS

To the extent that these findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City (or "decision makers") hereby binds itself and any other responsible parties, including the applicant and its successors in interest (hereinafter referred to as "Applicant"), to implement those measures. These findings, in other words, are not merely informational or hortatory, but constitute a binding set of obligations that will come into effect when the City adopts the resolution(s) approving the Project.

The adopted mitigation measures are express conditions of approval. Other requirements are referenced in the Mitigation Monitoring Reporting Program (MMRP) adopted concurrently with these findings and will be effectuated through the process of implementing the Project.

The mitigation measures are referenced in the MMRP adopted concurrently with these findings and will be effectuated both through the process of implementing the Otay Ranch GDP and through the process of constructing and implementing the Project.

VIII. MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code section 21081.6, subd. (a)(1), the City, in adopting these findings, also concurrently adopts a MMRP as prepared by the environmental consultant under the direction of the City. The program is designed to ensure that during Project implementation, the applicant and any other responsible parties comply with the feasible mitigation measures identified below. The program is described in the document entitled *Mitigation Monitoring Reporting Program*. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will be available for public review during the compliance period.

The MMRP is dynamic in that it will undergo changes as additional mitigation measures are identified and additional conditions of approval are placed on the Project throughout the Project approval process. The monitoring program will serve the dual purpose of verifying completion of the mitigation measures for the Project and generating information on the effectiveness of the mitigation measures to guide future decisions. The program includes monitoring team qualifications, specific monitoring activities, a reporting system, and criteria for evaluating the success of the mitigation measures.

IX. SIGNIFICANT DIRECT AND INDIRECT EFFECTS AND MITIGATION MEASURES

SUMMARY OF EFFECTS

The Final EIR identified a number of direct and indirect significant environmental effects (or “impacts”) resulting from the Project. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Others cannot be fully mitigated or avoided by the adoption of feasible mitigation measures or feasibly environmentally superior alternatives. However, these effects are outweighed by overriding considerations in Section XII below. This Section IX presents in greater detail the City Council’s findings with respect to the environmental direct and indirect effects of the Project. Cumulative effects are discussed further below in this document in Section X.

The Project will result in significant direct impacts with regard to the following issues: land use and planning, aesthetics/landform modification, transportation/traffic, air quality, noise, biological resources, cultural and paleontological resources, geology and soils, public services, hydrology and water quality, agricultural resources, hazards and hazardous materials, and public utilities (wastewater). Significant indirect effects were only determined related to biological resources. These significant environmental changes or impacts are discussed in the Final EIR in Table 1-1, pages 1-9 through 1-74, and Chapter 5, Environmental Impact Analysis, pages 5.1-1 through 5.15-30. No significant direct or indirect effects were identified for global climate change, housing

and population, public utilities (water, solid waste, recycled water, and energy). Direct and indirect impacts pertaining to mineral resources were determined to be not significant during the scoping process and are not addressed in the EIR.

IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City, having reviewed and considered the information contained in the Final EIR, the appendices to the Final EIR, and the administrative record, finds the Project would mitigate, avoid, or substantially lessen to below a level of significance at least one of the following potentially significant direct and indirect environmental effects identified in the Final EIR in the following categories: land use and planning; aesthetics/landform modification, transportation and traffic, air quality, noise, biological resources, cultural and paleontological resources, geology and soils, public services, hydrology and water quality, agricultural resources, hazards and hazardous materials, and public utilities. A brief summary of each environmental topic that would be mitigated to below a level of significance is provided below. A discussion of significant cumulative impacts is included below in Section X.

Land Use and Planning

Approval of the Project would result in potentially significant direct impacts to land use compatibility due to conflicts with air quality, operational noise, biological resources, hydrology/water quality, and hazards and hazardous materials, conflicts with the Chula Vista MSCP, and conflicts with the Brown Field Airport Land Use Compatibility Plan (ALUCP) and Chula Vista Growth Management Ordinance (GMO). Less than significant direct and indirect effects were identified related to the division of an established community.

Aesthetics/Landform Modification

Approval of the Project would result in potentially significant direct impacts to glare, and shadow. Less than significant direct effects were identified for potential Project-related impacts related to scenic resources and landform modification.

Transportation and Traffic

Approval of the Project would result in potentially significant direct impacts at several intersections and roadway segments. Significant direct impacts were also identified related to congestion management and air traffic patterns. Less than significant effects were identified for road safety, emergency access, and consistency with transportation policies.

Air Quality

Approval of the Project would result in potentially significant direct impacts to sensitive receptors due to air quality violations during construction and operation. Less than significant direct and cumulative effects were identified for inconsistencies with air quality plans or objectionable odors.

Noise

Approval of the Project would result in potentially significant impacts on people involving excessive noise levels related to HVAC units and active uses at recreational facilities or High Tech K-12, and excessive ground-borne vibration related to construction activities. Construction noise levels may also impact nesting birds in the MSCP Preserve Area. Less than significant effects were identified related to permanent increases in ambient noise levels and aircraft noise.

Biological Resources

Approval of the Project would result in potentially significant direct and indirect impacts to sensitive plant and wildlife species, riparian habitat and other sensitive natural communities, federally protected wetlands, and inconsistencies with local policies and ordinances protecting biological resources. Less than significant effects were identified related to wildlife movement corridors and nursery sites.

Cultural and Paleontological Resources

Approval of the Project would result in potentially significant direct and cumulative impacts to archaeological and paleontological resources, as well as human remains. Less than significant effects were identified related to historical resources.

Geology and Soils

Approval of the Project would result in potentially significant direct impacts related to exposure to seismic related hazards, soil erosion or topsoil loss, slope stability, and expansive soils. No significant effects were identified for consistency with geotechnical policies and waste water disposal systems. No potentially significant cumulative impacts were identified for geology and soils.

Public Services

Approval of the Project would result in potentially significant direct impacts to fire protection service standards, consistency with fire and emergency medical service policies, police service standards, consistency with police service policies, school facilities, schools sitting, library service standards, deterioration of parks and recreation facilities, and parks and recreation standards. No significant effects were identified for fire and emergency medical facilities, police service facilities, consistency with school policies, library facilities, consistency with library policies, new recreation facilities, and consistency with park policies. Cumulative impacts on public services were summarized as less than significant due to maintenance of the City's GMO threshold standards.

Hydrology and Water Quality

Approval of the Project would result in potentially significant direct impacts to water quality standards, erosion or siltation, surface runoff, exceed drainage capacity, degradation of water quality, and inundation. No significant effects were identified for

groundwater supplies and recharge, 100-year flood hazards, consistency with water quality policies, and flooding. No potentially significant cumulative impacts to hydrology and water quality were identified.

Agricultural Resources

Approval of the Project would result in potentially significant direct impacts as a result of the direct conversion of agricultural resources. No significant effects were identified related to conflicts with zoning or Williamson Act conflicts.

Hazards and Hazardous Materials

Approval of the Project would result in potentially significant direct impacts related to the accidental release of hazardous materials, hazards to schools, existing hazardous materials sites, and airport hazards. No significant effects were identified related to emergency response and evacuation plans or wildland fires and no cumulative impacts for hazards and hazardous materials were identified.

Public Utilities

Approval of the Project would result in potentially significant direct impacts related to the availability of adequate wastewater facilities and new wastewater treatment facilities may be necessary to provide adequate services to the Project site. No significant cumulative impacts were identified for public services and less than significant impacts were identified related to water, solid waste, recycled water, and energy.

DETAILED ISSUES DISCUSSION FOR IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

Land Use and Planning

Thresholds of Significance

The Project would result in a significant impact to land use and planning if it would:

- Physically divide an established community (incompatibility with adjacent and surrounding land uses).

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance), adopted for the purpose of avoiding or mitigating an environmental effect.

- Conflict with any applicable habitat conservation plan or natural community habitat conservation plan.

Impact: Land Use Compatibility

Implementation of the Project would result in a significant direct impact related to land use incompatibilities related to air quality, operational noise, biological resources, hydrology/water quality, and hazards and hazardous materials.

Explanation

Construction of the Project would require site grading, road building, installation of utilities, and building construction. The Project site is located adjacent to existing residential uses along its north boundary. Village 11 is located across Hunte Parkway from the Project site. High Tech K-12 is located on the Project site. Currently, undeveloped land is located to the northwest, west, south and east of the Main Campus Property, as well as around the Lake Property. Some off-site grading would be required for utility improvements south of the Project site (east of future Village 10).

Project construction activities on the Project site would not be incompatible with the vacant land to the northwest, west, south and east of the Project site. For undeveloped areas designated for open space, the Otay Ranch RMP mandates a 100-foot-wide buffer area between development areas and the Preserve. The specifics of Project development result in an even greater buffer area. Potential activities allowed within that buffer area include trails and some recreational uses, but this would result in little to no construction activity immediately adjacent to Preserve. The proposed development footprint in the Lake Property would be confined to the eastern half of the parcel, 300 to 400 feet from the nearest boundary with the Preserve. The portions of the Main Campus Property adjacent to the Preserve would be situated at the top of manufactured slopes that place the development substantially above the Preserve topographically. These manufactured slopes, along with areas within the parcel boundary but outside the development footprint, also provide a buffer of 100 to 200 feet between proposed development and the Preserve boundary. Additionally, all construction activities would be required to comply with the Preserve Edge Plan, as discussed in Section 5.6, Biological Resources, of this EIR. The mitigation measures in Section 5.11, Hydrology and Water Quality, would protect the Preserve from storm water runoff from construction. Requirements for construction noise levels, pre-construction biological surveys, and habitat replacements and restoration are included as mitigation in Section 5.6. Dust-minimizing construction practices are required in Mitigation Measure 5.4-1a in Section 5.4, Air Quality.

Noise associated with mass grading is the most likely impact to existing developed uses, although some vertical construction may also result in noise when in immediate proximity (such as to High Tech K-12 School). Fugitive dust may also result in some nuisance impacts. As noted above, however, Project design and mitigation measures would address these short-term impacts to nearby existing uses

Mitigation Measures

To mitigate potentially significant land use impacts related to conflicts with land use compatibility, mitigation measures identified in other environmental resource topics would be implemented. Specifically, this includes mitigation measures for air quality (e.g., mitigation measures 5.4-1a and 5.4-1b), noise (e.g., mitigation measures 5.5-1a through 5.5-1e), biological resources (mitigation measure 5.6-8e), hydrology and water quality (mitigation measures 5.11-1a through 5.11-1f), and hazards and hazardous materials (mitigation measures 5.13-2a and 5.13-2b). These measures are fully-listed in their resource topic subsections within this document and are contained within the Executive Summary of the Final EIR.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.4-1a and 5.4-1b, -1a through 5.5-1e, 5.6-8e, 11-1a through 5.11-1f, and 5.13-2a and 5.13-2b are feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Conflicts with Land Use Plans, Policies, and Regulations

Implementation of the Project would result in development within the Overflight Notification Area and the Project's inconsistency with the Brown Field ALUCP would be potentially significant. Implementation of the Project would also result in inconsistencies with the Chula Vista Growth Management Ordinance (GMO) quality of life threshold standards with respect to traffic, public services, and utilities.

Explanation

The Project site is located within the FAA height notification boundary, Part 77 Airspace Surfaces. Proper disclosure to future residents and notification in compliance with the Brown Field ALCUP is required to ensure land use compatibility. Airport Influence Area compliance is gained by the City through submittal of SPA documents to the Airport Land Use Commission (ALUC). Based on a determination by ALUC, additional requirements may be imposed. The UID SPA Plan requires that subsequent submittals and development comply with Part 77 of Federal Aviation Regulations.

The Chula Vista GMO requires that a project meet GMO quality of life threshold standards related to traffic, police and fire services, parks, schools, libraries, sewers, storm drainage, air quality, and water. The Project could potentially be inconsistent with GMO threshold standards with respect to traffic, public services, and utilities without implementation of the mitigation measures identified in other sections of this EIR. Therefore, a potentially significant impact related to land use could occur.

Mitigation Measures

To mitigate potentially significant land use impacts related to conflicts with plans, policies, and regulations associated with the Brown Field ALUCP, mitigation measures for hazards and hazardous materials (mitigation measures 5.13-2a and 5.13-2b) would be implemented. These measures are fully-listed in the hazards and hazardous materials subsection within this document and are contained within the Executive Summary of the Final EIR. To mitigate potentially significant impacts related to inconsistencies with the Chula Vista GMO, mitigation measures 5.3-24, 5.9.1-1a, 5.9.2-1b, 5.9.3-1, 5.9.4-1, 5.9.5-1, and 5.15.2-1 would be implemented. These measures are fully-listed in their resource topic subsections within this document and are contained within the Executive Summary of the Final EIR.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.13-2a and 5.13-2b, as well as mitigation measures 5.3-24, 5.9.1-1a, 5.9.2-1b, 5.9.3-1, 5.9.4-1, 5.9.5-1, and 5.15.2-1, are feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Conflicts with HCPs or NCCPs

Implementation of the Project would result in potentially significant impacts related to consistency with the Chula Vista MSCP Subarea Plan.

Explanation

The Project site, including both the Main Campus Property and the Lake Property, is situated within the planned development area of the City's MSCP Subarea Plan. Development on the Main Campus Property is associated with an Otay Ranch Covered Project1 (i.e., Otay Ranch/University Project) under the City's MSCP Subarea Plan. Such planned development areas assume that development-related impacts will be sufficiently mitigated by hard-line conserved areas added to the Preserve as part of Project approval. Therefore, impacts to MSCP-covered species and sensitive upland habitats on the Main Campus Property do not require compensatory mitigation as specified in the City's Habitat Loss and Incidental Take (HLIT) ordinance, but are subject to specific conditions in the Otay Ranch and University Project approvals. Areas proposed to be preserved (100 percent conservation areas) would be dedicated to the City as a preserve, as part of the development approval process for covered projects. As it pertains to the Project, lands will be conveyed to the Preserve in accordance with the RMP. UID design as proposed for covered projects would be consistent with the Chula Vista MSCP Subarea Plan and the Otay Ranch RMP through specific adherence to conditions of coverage and mitigation/conveyance requirements, as defined in

Section 7.6 of the Chula Vista MSCP, and the Otay Ranch RMP. The Lake Property is not currently part of the Covered Projects. The City's HLIT ordinance is applicable to campus development on the Lake Property and associated off-site areas, as it would occur outside of the Covered Projects category in the Plan, thereby requiring mitigation for impacts to sensitive resources.

Mitigation Measures

To mitigate potentially significant land use impacts related to conflicts with plans, policies, and regulations, mitigation measures identified to reduce impacts to biological resources would be implemented. Specifically, this includes mitigation measures 5.6-1a through 5.6-11 and 5.11-1a. These measures are fully-listed in biological resources and hydrology and water quality subsections within this document and are contained within the Executive Summary of the Final EIR.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-1a through 5.6-11 and 5.11-1a are feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Aesthetics/Landform Modification

Thresholds of Significance

The Project would result in a significant impact to aesthetics/landform modification if it would:

- Create a new source of substantial light, glare, or shadow which would adversely affect day or nighttime views in the area.

Impact: Lighting, Glare, and Shadow

New sources of nighttime lighting and daytime shade/shadow may be incompatible with surrounding development and inconsistent with applicable regulations. Potential impacts cannot be determined until the location, size, and orientation of future buildings are established. Therefore, impacts associated with lighting and shade/shadow are considered potentially significant.

Explanation

The Project would include additional lighting associated with common spaces, mixed-use areas, and academic-related uses and would require development-specific photometric analyses for lighting proposed in developed areas to ensure that future

projects comply with all applicable regulations and are compatible with surrounding land uses. Regarding shade and shadow, because the exact placement of these buildings is not known, it is possible that streets, structures, and other outdoor public places within the UID SPA Plan area could be shaded or shadowed by adjacent buildings. Because development-specific analyses are needed to determine the extent of future lighting, shade, and shadow impacts, these direct impacts are considered significant.

Development within the UID SPA Plan would occur over multiple years and specific building footprints and sizes are not known. Per the SPA Plan, maximum building heights would not exceed 92 feet, with the exception a single pavilion feature up to 250 feet in height in the T-6 transect. Because the exact placement of these buildings is not known, it is possible that streets, structures, and other outdoor public places within the UID SPA Plan area could be shaded or shadowed by adjacent buildings. Specifically, due to the proposed build-to line along Hunte Parkway within the T-6 transect and the proposed sculpted building edges along various transects, shade, and shadow impacts could occur and are potentially significant.

Mitigation Measures

5.2-3a Lighting Plan and Photometric Analysis – Parks. Concurrent with the preparation of site-specific plan(s) for outdoor public areas within the O-2 and O-3 sectors and prior to issuance of a building permit for any park, the applicant shall prepare, or in the case of the City being the lead on the preparation of the site-specific plan, the applicant shall fund the preparation of a lighting plan and photometric analysis. The plan shall be prepared to the satisfaction of the Development Services Director and evaluate the proposed height, location, and intensity of all exterior lighting for compliance with the City's performance standards for light, and glare (Chula Vista Municipal Code 19.66.100).

5.2-3b Lighting Plan and Photometric Analysis – New Structures. Concurrent with design review and prior to the issuance of building permits for any structures, the applicant shall prepare a lighting plan and photometric analysis. The plan shall be prepared to the satisfaction of the Development Services Director (or their designee) and evaluate the proposed height, location, and intensity of all exterior lighting for compliance with the City's performance standards for light, and glare (Chula Vista Municipal Code 9.66.100).

5.2-4 Shadow Analysis. Prior to design review approval for any structure three stories and above, the applicant shall prepare to the satisfaction of the Development Services Director (or their designee), a shadow analysis demonstrating that adjacent shadow-sensitive uses are not permanently shadowed.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically,

mitigation measures 5.2-3a, 5.2-3b, and 5.2-4 are feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Transportation/Traffic

Thresholds of Significance

The Project would result in a significant impact to transportation/traffic if it would:

- Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit.

- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the County Congestion Management Agency for designated roads or highways.

Impact: Traffic and Level of Service Standards

Implementation of the Project would result in direct impacts related to access and frontage and direct impacts on roadways and intersections under the Year 2020, Year 2025, and Year 2030 scenarios.

Explanation

Access and Frontage. According to Section 12.24 of the City's municipal code, access related impacts would occur if access and frontage improvements are not provided concurrent with development; therefore, potentially significant direct impacts would occur in 2020, 2025, and 2030.

Year 2020 Plus Project (Intersections). Under the Year 2020 Plus Project scenario, the intersection of Birch Road/La Media road in the City of Chula Vista would experience a direct impact from implementation of the Project.

Year 2025 Plus Project (Intersections). Under the Year 2025 Plus Project scenario, the following intersections would experience direct impacts from implementation of the Project:

- Proctor Valley Road/San Miguel Ranch Road (City of Chula Vista)

- Birch Road/Eastlake Parkway (City of Chula Vista)

- Birch Road/La Media Road (City of Chula Vista)
- Proctor Valley Road/San Miguel Road (County of San Diego)

Year 2025 Plus Project (Segments). Under the Year 2025 Plus Project scenario, the following segments would experience direct impacts from implementation of the Project:

- Olympic Parkway, Heritage Road to Santa Venetia Street (City of Chula Vista)
- Olympic Parkway, East Palomar Street to State Route 125 (City of Chula Vista)
- Birch Road, State Route 125 to Eastlake Parkway (City of Chula Vista)

Year 2030 Plus Project (Intersections). Under the Year 2030 Plus Project scenario, the following intersections would experience direct impacts from implementation of the Project:

- Main Street/Interstate 805 Northbound Ramps (City of Chula Vista)
- Village 9 Street “B”/Village 9 Street “C” (City of Chula Vista)
- Proctor Valley Road/San Miguel Ranch Road (City of Chula Vista)
- Proctor Valley Road/San Miguel Road (County of San Diego)

Year 2030 Plus Project (Segments). Under the Year 2030 Plus Project scenario, the following segments would experience direct impacts from implementation of the Project:

- Main Street, Interstate 805 to Oleander Avenue (City of Chula Vista)
- Main Street, Oleander Avenue to Brandywine Avenue (City of Chula Vista)

Mitigation Measures

Access and Frontage

5.3-1a Eastlake Parkway/Hunte Parkway Intersection. Eastlake Parkway south of Hunte Parkway within the UID will provide primary access to the site. Corresponding improvements to the geometry (as seen in Figure 10-2 in EIR Appendix B) shall be provided by the applicant at the Eastlake Parkway/Hunte Parkway intersection prior to construction. Needed modifications to the traffic signal shall also be made to accommodate the third (south) leg at this intersection. This improvement shall be provided prior to construction of the first building within the University Campus/Innovation District, in accordance with City Ordinances.

5.3-1b Discovery Falls Road Secondary Access. A new secondary access shall be provided by the applicant from Discovery Falls Road, just south of Hunte Parkway. Corresponding improvements to the geometry, as shown in Figure 10-2 of EIR

Appendix B (Intersection #57), shall be provided. A traffic signal shall be installed to the satisfaction of the City Engineer. This improvement shall be provided prior to construction of the first building within the UID, in accordance with City Ordinances.

5.3-1c Hunte Parkway/Exploration Falls Road Intersection. The applicant shall be responsible for constructing the fourth (south) leg of the Hunte Parkway/Exploration Falls Road intersection and modifying the signal as needed to accommodate the fourth leg prior to construction of the first building within the UID, in accordance with City Ordinances.

5.3-1d Internal Circulation Roads. Internal circulation roads shall be constructed on-site by the applicant in conformance with City standards. Final design and siting of internal roads will be subject to the approval of the City, including the Development Services Department, Public Works Department, and Fire Department.

5.3-7 Construction of Street "E" between Village 9 Street "B" and Eastlake Parkway. Prior to the issuance of the final map that contains the 3,565th EDU, the City of Chula Vista or successor of interest shall construct Street "E" between Village 9 Street "B" and Eastlake Parkway, in accordance with City Ordinances.

5.3-15 The City of Chula Vista or successor in interest shall construct Street "C" between Village 9 Street "B" and Eastlake Parkway prior to construction of the 5,164th EDU within the UID.

Year 2020 Plus Project (Intersections)

5.3-2 Birch Road/La Media Road Intersection. Prior to the issuance of the final map that contains the 1,360th EDU, the applicant shall secure or construct the Main Street connection between Heritage Road and Eastlake Parkway. Since this improvement includes the construction of a 6-lane road and a bridge, it is beyond the scope of a single development project. If this improvement is not in place by the issuance of the final map that contains the 1,360th EDU, the Project would be required to implement the "Anticipated 2020 Roadway Improvements."

Year 2025 Plus Project (Intersections)

5.3-8a Proctor Valley Road/San Miguel Ranch Road Intersection. Installation of a traffic signal at this intersection will fully mitigate the corresponding impact to less than significant. The City of Chula Vista or successor in interest shall coordinate with the County of San Diego to construct a traffic signal at this intersection, if this improvement has not been built by others, prior to the construction issuance of the final map that contains the of the Project's 3,565th EDU.

5.3-8b Birch Road/Eastlake Parkway Intersection. Prior to the issuance of the final map that contains the 3,565th EDU, the applicant shall secure or construct the Main Street connection between Heritage Road and Eastlake Parkway. Since this improvement includes the construction of a major 6-lane road and a 6-lane bridge, it is beyond the scope of a single development project. If this improvement is not in place by

the issuance of the final map that contains the 3,565th EDU, the Project would be required to implement the "Anticipated 2025 Roadway Improvements."

5.3-10 Proctor Valley Road/San Miguel Road Intersection. The City of Chula Vista or successor in interest shall coordinate with the County of San Diego to construct a traffic signal and associated improvements to this intersection prior to the issuance of the final map that contains the Project's 3,565th EDU.

Year 2025 (Roadway Segments)

5.3-13a Olympic Parkway from Heritage Road to Santa Venetia Street. Prior to the issuance of the final map that contains the 3,565th EDU, the applicant shall secure or construct the Main Street connection between Heritage Road and Eastlake Parkway. Since this improvement includes the construction of a major 6-lane road and a 6-lane bridge, it is beyond the scope of a single development project. If this improvement is not in place by the issuance of the final map that contains the 3,565th EDU, the Project would be required to implement the "Anticipated 2025 Roadway Improvements."

5.3-13b Olympic Parkway from E. Palomar Street to SR-125. Prior to the issuance of the final map that contains the 3,565th EDU, the applicant shall secure or construct the Main Street connection between Heritage Road and Eastlake Parkway. Since this improvement includes the construction of a major 6-lane road and a 6-lane bridge, it is beyond the scope of a single development project. If this improvement is not in place by the issuance of the final map that contains the 3,565th EDU, the Project would be required to implement the "Anticipated 2025 Roadway Improvements."

5.3-13c Birch Road from SR-125 to Eastlake Parkway. Prior to the issuance of the final map that contains the 3,565th EDU, the applicant shall secure or construct the Main Street connection between Heritage Road and Eastlake Parkway Since this improvement includes the construction of a major 6-lane road and a 6-lane bridge, it is beyond the scope of a single development project. If this improvement is not in place by the issuance of the final map that contains the 3,565th EDU, the Project would be required to implement the "Anticipated 2025 Roadway Improvements."

Year 2030 (Intersections)

5.3-16a Main Street/I-805 NB Ramps Avenue Intersection. Improvements at this interchange are included in the Western TDIF program. Therefore, this impact is considered fully mitigated.

5.3-16b Village 9 Street "B"/Village 9 Street "C" Intersection. The City of Chula Vista or successor in interest shall construct a westbound right-turn lane on Village 9 Street "C" if this improvement is not in place prior to the construction of the final map that contains the Project's 5,164th DU.

Year 2030 (Segments)

5.3-22a Main Street from I-805 to Oleander Avenue. Prior to the issuance of the final map that contains the 5,164th EDU, the applicant shall secure or construct the Main Street/SR-125 interchange. Since this improvement includes the construction of a full interchange, it is beyond the scope of a single development project. If this improvement is not in place by the issuance of the final map that contains the 5,164th EDU, Mitigation Measure 5.3-21 would apply.

5.3-22b Main Street from Oleander Avenue to Brandywine Avenue. Prior to the issuance of the final map that contains the 5,164th EDU, the applicant shall secure or construct the Main Street/SR-125 interchange. Since this improvement includes the construction of a full interchange, it is beyond the scope of a single development project. If this improvement is not in place by the issuance of the final map that contains the 5,164th EDU, Mitigation Measure 5.3-21 would apply.

5.3-24: Subsequent Traffic Analysis for Lake Property. Prior to the approval of any detailed development plans for the Lake Property, a detailed traffic study shall be conducted by a City-approved traffic consultant. Specific mitigation measures for traffic impacts associated with the Lake Property shall be required at that time, to the satisfaction of the City Engineer, including any improvements related to any necessary roadway segments, intersections, and ingress-egress to reduce impacts to below a level of significance and to comply with the City's GMOC standards.

5.3-25: Prior to the commencement of construction activities at the Main Campus Property or Lake Property, a detailed traffic management plan shall be prepared by a City-approved traffic consultant. Specific measures to implement to maintain acceptable traffic conditions during construction shall be reviewed to the satisfaction of the City Engineer.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.3-1a through 5.3-1d, 5.3-2, 5.3-7, 5.3-8a, 5.3-8b, 5.3-10, 5.3-13a through 5.3-13c, 5.3-15, 5.3-16a, 5.3-16b, 5.3-22a, 5.3-22b, 5.3-24, and 5.3-25 are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Congestion Management

Implementation of the Project would result in direct impacts related to contributions to regional congestion.

Explanation

Implementation of the UID SPA Plan would have the potential to exceed the City LOS standards, as well as City of San Diego, County of San Diego, and Caltrans standards for intersections and roadways under the Existing Plus Project, Year 2020, Year 2025, and Year 2030 (buildout) scenarios. Therefore, the Project would contribute to regional congestion and a potentially significant impact would occur related to level of service standards.

Mitigation Measures

To mitigate potentially significant traffic impacts related to congestion management, mitigation measures 5.3-1 through 5.3-25 would be implemented. These measures are fully-listed throughout in the previous subsection above, with the exception of mitigation measures 5.3-3 through 5.3-5, 5.3-12a and 5.3-12b, 5.3-19, 5.3-21a and 5.3-21b, which are included below. Mitigation measures 5.3-1 through 5.3-26 are contained within the Executive Summary of the Final EIR

5.3-3: Cumulative impacts within the City of Chula Vista will be mitigated using Transportation Development Impact Fees (TDIF). The TDIF has been accounted for in the TDIF Ordinance (for City of Chula Vista intersections) and Western TDIF Program (for City of Chula Vista/Caltrans intersections) for university-related uses and cumulative impacts within the City of Chula Vista are considered to be mitigated to a level below significance without any additional TDIF fee payments for university-related uses. Non-university related uses will be required to pay fees per the TDIF prior the issuance of building permits.

5.3-4a: **Palm Avenue/I-805 SB Ramps Intersection**. The improvement of the Palm Avenue/I-805 SB Ramps Intersection is included in the FBA in the City of San Diego. If the City of San Diego does not complete this improvement prior to the issuance of the final map that contains the Project's 1,360th DU, the City of Chula Vista or successor in interest shall coordinate with the City of San Diego to implement this improvement.

5.3-4b: Palm Avenue/I-805 NB Ramps Intersection. The improvement of the Palm Avenue/I-805 NB Ramps Intersection is included in the FBA, in the City of San Diego. If the City of San Diego does not complete this Project prior to the issuance of the final map that contains the Project's 1,360th DU, the City of Chula Vista or successor in interest shall coordinate with the City of San Diego to implement this improvement.

5.3-5: **Avenida De Las Vistas/Heritage Road Intersection**. The improvement of the Avenida De Las Vistas/Heritage Road Intersection is included in the FBA, in the City of San Diego. If the City of San Diego does not complete this Project prior to the issuance of the final map that contains the Project's 1,360th EDU, the City of Chula Vista or successor in interest shall coordinate with the City of San Diego to implement this improvement.

5.3-12a: Avenida De Las Vistas/Heritage Road Intersection. The City of Chula Vista or successor in interest shall coordinate with the City of San Diego to construct a traffic

signal and associated improvements to this intersection prior to the issuance of the final map that contains the Project's 3,565th EDU.

5.3-12b: Heritage Road/Otay Mesa Road Intersection. The City of Chula Vista or successor in interest shall coordinate with the City of San Diego to install a WB right-turn overlap phase prior to the construction of the Project's 3,565th EDU.

5.3-19: Prior to the issuance of the final map that contains the Project's 5,164th EDU, the City of Chula Vista or successor in interest shall coordinate with the County of San Diego and provide payment of the San Diego County Traffic Impact Fee (TIF).

5.3-21a: Avenida De Las Vistas/Heritage Road. The City of Chula Vista or successor in interest shall coordinate with the City of San Diego to construct a traffic signal and associated improvements to this intersection prior to the issuance of the final map that contains the Project's 5,164th EDU.

5.3-21b: Heritage Road/Otay Mesa Road. The City of Chula Vista or successor in interest shall coordinate with the City of San Diego to construct a WB right-turn overlap phase prior to the issuance of the final map that contains the Project's 5,164th EDU.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid significant effects as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.3-1 through 5.3-25 are feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Air Quality

Thresholds of Significance

The Project would result in a significant impact to air quality if it would:

- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

- Expose sensitive receptors (i.e., day care centers, schools, retirement homes, and hospitals or medical patients in residential homes which could be impacted by air pollutants) to substantial pollutant concentrations.

Impact: Air Quality Violations

Implementation of the Project would have the potential to result in significant criteria pollutant emissions during construction. Therefore, direct impacts related to air quality violations are considered significant.

Explanation

In the absence of specific construction information for the Project, equipment types needed for all phases of construction are estimated by CalEEMod based on the size and subtypes of the land uses entered in the land use module. Emissions of all criteria pollutants, with the exception of NOX, are below the SCAQMD daily thresholds. Due to the exceedance of the NOX threshold, direct impacts are potentially significant.

Mitigation Measures

5.4-1a Air Quality-Related Construction Best Management Practices. In addition to the requirements of APCD Rule 55, the control measures listed below will be implemented during Project construction to reduce dust and VOC emissions:

- A minimum of two applications of water during grading between dozer/scraper passes.
- Paving, chip sealing, or chemical stabilization of internal roadways after completion of grading.
- Termination of grading if winds exceed 25 mph.
- Ensure that all exposed surfaces maintain a minimum soil moisture of 12 percent.
- Stabilization of dirt storage piles by chemical binders, tarps, fencing, or other erosion control.
- Use of “Super Compliant” architectural coatings with a VOC content of 10 grams per liter or less.

5.4-1b Use of Tier 4 Final Off-Road Equipment. All off-road diesel-powered construction equipment greater than 50 horsepower (HP) used during each building construction phase shall meet U.S. EPA Tier 4 off-road emissions standards. A copy of each unit’s certified Tier specification shall be provided to the City of Chula Vista Development Services Department at the time of mobilization of each applicable unit of equipment.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.4-1a and 5.4-1b are feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this

mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Sensitive Receptors

Implementation of the Project would have the potential to result in the exposure of sensitive receptors to toxic air contaminants (TACs) during operation if the Project does not comply with California Air Resources Board (CARB) siting criteria. Therefore, direct impacts to sensitive receptors are considered significant.

Explanation

With regard to long-term operations, it is not currently known if any of the uses proposed by the Project would include any new sources of Toxic Air Contaminants (TACs). Subsequent projects that include new stationary sources (such as laboratory buildings) would need to analyze specific operation-related TAC impacts to ensure that emissions remain below SDAPCD thresholds. Due to the potential of individual projects to include new sources of TACs, implementation of the Project would result in potentially significant impacts related to TAC emissions.

Mitigation Measures

5.4-4 Health Risk Assessment. Prior to the issuance of building permits for any new facility that would have the potential to emit TACs, in accordance with AB 2588, an emissions inventory and HRA shall be prepared. Building permits shall only be issued for facilities that demonstrate TAC emissions below the standards listed in Table 5.4-6 (excess cancer risk of 1 in 1 million or 10 in 1 million with (T-BACT) and non-cancer hazard index of 1.0).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.4-4 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Noise

Thresholds of Significance

The Project would result in a significant impact to noise if it would:

- Expose new development to noise levels at exterior use areas in excess of the noise compatibility standards established in the City General Plan Noise Element or generate noise levels that exceed the limits in the City noise ordinance.

- Subject vibration-sensitive land uses to the structural damage threshold from ground-borne vibration of 0.25 in/sec PPV and the strongly perceptible human response threshold from ground-borne vibration of 0.1 in/sec PPV from a continuous/frequent intermittent source.

- Result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Impact: Excessive Noise Levels

Implementation of the Project would have the potential to result in exposure to excessive noise levels from operational sources including HVAC units, recreational facilities, and from High Tech K-12's playground and grassy play area.

Explanation

Mechanical HVAC units located on the ground or on rooftops of new commercial or multi-family apartment buildings would have the potential to generate noise levels that run continuously during the day and night. Depending on where they are located, HVAC units could exceed the City's hourly noise limit for adjacent parks and schools of 55 dBA L_{EQ} during daytime hours (45 dBA L_{EQ} at night for the parks) and the noise limit for adjacent multi-family residences of 60 dBA L_{EQ} during daytime hours (50 dBA L_{EQ} at night). For a single point source such as a piece of mechanical equipment, the sound level normally decreases by about 6 dBA for each doubling of distance from the source. Therefore, it is assumed that HVAC equipment would generate noise levels that exceed 45 dBA within 320 feet of the equipment, 50 dBA within approximately 180 feet of the equipment, 55 dBA within 100 feet of the equipment, and 60 dBA within 57 feet of the equipment. Consequently, residences or other NSLUs such as parks or schools located in close proximity to a building that requires an HVAC system could result in a potentially significant impact.

Noise generated from proposed recreational facilities in the O-2: Common Open Space and O-3: Pedestrian Walk sectors or the T-1 Future Development transect and High Tech K-12's playground and grassy play area would be subject to the City's daytime noise standards of 55 dBA for residential (including schools but excluding multi-family), 60 dBA for multi-family residential and 65 dBA for commercial land uses (lower noise limits would apply if a recreational facility remains open during evening or nighttime hours). Therefore, depending on the type of activity and number of users and the siting of proposed land uses, recreational facilities would have the potential to exceed City noise ordinance limits. Consequently, residences or other NSLUs such as parks or schools located in close proximity to a proposed Project recreational facility (located in the O-2: Common Open Space and O-3: Pedestrian Walk sectors or the T-1 Future Development transect) could result in a potentially significant impact. In addition, Project residences and/or other Project NSLUs could be exposed to a potentially significant impact from High Tech K-12's playground and grassy play area.

Mitigation Measures

5.5-1a Site-Specific Acoustic Analysis – Multi-Family Residences. Concurrent with Design Review and prior to the approval of building permits for multi-family areas within Transects T-3A, T-3B, T-6A, T-6B, T-6D, T-6E, and SD: Flex Overlay, where first and/or upper floor exterior noise levels exceed 60 CNEL and/or where required outdoor area (patios or balconies) noise levels exceed 65 CNEL, the City shall require: (1) an acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that the proposed building plans ensure that interior noise levels due to exterior noise sources will be at or below California's Title 24 Interior Noise Standards (i.e., 45 CNEL) in any habitable room, and (2) all outdoor useable areas are not exposed to noise levels in excess of the City's noise compatibility guidelines for outdoor use areas (i.e., 65 CNEL). The analysis must also identify Sound Transmission Loss rates of each window. Design-level architectural plans will be available during design review and will permit the accurate calculation of transmission loss for habitable rooms. For these areas, it may be necessary for the windows to be able to remain closed to ensure that interior noise levels meet the interior standard of 45 dBA CNEL, in which case, adequate ventilation systems shall be installed. The City shall require noise attenuation features that would (1) reduce sound levels to 45 CNEL in any habitable room, and (2) that would reduce sound levels to 65 CNEL at outdoor usable areas.

5.5-1b Site-Specific Acoustic Analysis – Non-Residential NSLUs. Concurrent with Design Review and prior to the approval of building permits for any non-residential NSLUs (schools, libraries, neighborhood parks) within Transects T-3A, T-3B, T-6A, T-6B, T-6D, T-6E, and SD: Flex Overlay, where exterior noise levels exceed 65 CNEL, the City shall require a site design plan and subsequent acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that all outdoor useable areas are not exposed to noise levels in excess of 65 CNEL. Measures to reduce noise levels may include, but would not be limited to, setback of structures from the roadway, installing acoustic barriers, or orienting outdoor activity areas away from roadways so that surrounding structures provide noise attenuation. Wall and roof-ceiling assemblies making up the building envelope shall comply with the requirements of the 2013 CALGreen Building Code and meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 in compliance with the CALGreen Building Code. The City shall require noise attenuation features to reduce sound levels to 65 CNEL at outdoor usable areas.

5.5-1c Site-Specific Acoustic Analysis – Office Uses. Concurrent with Design Review and prior to the approval of building permits for any office use within Transects T-3A, T-3B, T-6A, T-6B, T-6D, T-6E, and SD: Flex Overlay the City shall require a site design plan and subsequent acoustical analysis demonstrating to the satisfaction of the Development Services Director (or their designee) that exterior noise levels at the property line are at or below the City's noise compatibility guidelines for office uses (i.e., 70 CNEL). Measures to reduce noise levels may include, but would not be limited to, setback of structures from the roadway, installing acoustic barriers, or, in mixed-use buildings, orienting offices away from roadways so that surrounding structures provide

noise attenuation. The City shall require noise attenuation features to reduce sound levels to 70 CNEL at the property line.

5.5-1d HVAC Mechanical Equipment Shielding. Concurrent with Design Review and prior to the approval of building permits for non-residential development, the City shall require a design plan for the Project demonstrating to the satisfaction of the Development Services Director (or their designee) that the noise level from operation of mechanical equipment will not cumulatively exceed the following noise level limits for a designated receiving land use category as specified in Section 19.68.030 of the City noise control ordinance. Noise control measures may include, but are not limited to, the selection of quiet equipment, equipment setbacks, silencers, and/or acoustical louvers. The City shall require noise attenuation features that would reduce sound levels to levels that are allowable under the Chula Vista noise control ordinance:

- From 10 p.m. to 7 a.m. on weekdays and from 10 p.m. to 8 a.m. on weekends:
    - 45 dBA for residential
    - 50 dBA for multiple dwelling residential
    - 60 dBA for commercial
    - 70 dBA for light industry (I-R and I-L zone)
    - 80 dBA for heavy industry (I zone)
- From 7 a.m. to 10 p.m. on weekdays and from 8 a.m. to 10 p.m. on weekends:
    - 55 dBA for residential
    - 60 dBA for multiple dwelling residential
    - 65 dBA for commercial
    - 70 dBA for light industry (I-R and I-L zone)
    - 80 dBA for heavy industry (I zone)

Noise control measures may include, but are not limited to, the selection of quiet equipment, equipment setbacks, silencers, and/or acoustical louvers. The City shall require noise attenuation features that would reduce sound levels to levels at or below the allowable levels set forth in the Chula Vista noise control ordinance.

5.5-1e Site Specific Analysis – Recreational Facilities. Concurrent with the preparation of site-specific plan(s) and prior to the approval of a grading plan, the City shall require the preparation of an acoustical analysis to ensure that noise levels generated from any active uses at the recreational facilities, such as sports fields, shall not exceed the receiving land use category's exterior noise limits as identified in the City noise control ordinance. Measures to reduce noise levels may include, but would not be limited to, siting of structures or buildings either at the recreational facilities or at the receiving land use site in order to provide setbacks between active areas of the facilities and adjacent noise sensitive uses or construction of a wall to provide noise attenuation.

Final noise attenuation design would be determined by a site-specific acoustic analysis conducted by a qualified acoustical engineer, to the satisfaction of the Development Services Director (or their designee).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.5-1a through 5.5-1e are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Excessive Ground-borne Vibration

Implementation of the Project would result in the potential to disrupt vibration-sensitive instruments associated with laboratory uses at the Project site.

Explanation

Campus vibration-sensitive instruments and operations may require special consideration during construction. Vibration criteria for sensitive equipment are not defined and are often case-specific. In general, the criteria must be determined based on manufacturer specifications and recommendations by the equipment user. Although the proposed Project includes areas within the Main Campus Property that allow laboratory uses with vibration-sensitive equipment, major construction activity, including grading and paving of roadways, is likely to be complete within the Main Campus Property area prior to these facilities becoming fully operational. However, in the event that construction vibration disturbs sensitive instruments, a significant impact could occur.

Mitigation Measures

5.5-2. For major construction activity involving heavy earth moving equipment within 200 feet, and pile driving within 600 feet, of vibration-sensitive land uses (e.g., vibration sensitive laboratory equipment), prior to the initiation of construction activities, the City shall approve a construction vibration mitigation program developed by a qualified person experienced in the fields of environmental noise and vibration assessment to be implemented by the construction contractor. The construction vibration mitigation program shall include measures to reduce vibration resulting from construction activities to the maximum extent practicable. Notification and monitoring of construction activities shall include, but not be limited to, the following:

- Vibration monitoring shall be performed during construction to establish the level of vibration produced by high impact activities. Monitoring shall be conducted when any construction would occur within 50 feet of a vibration sensitive land use. Monitoring shall be conducted using a portable vibration-monitoring

instrument that provides a calibrated record of local ground movement/accelerations. If construction vibration exceeds 2.0 in/sec, alternative work methods and equipment shall be used. Baseline vibration levels at specified locations shall be established prior to construction.

- Building occupants shall be notified at least two weeks prior to the start of construction that would occur within 50 feet of any vibration sensitive land use.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.5-2 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Temporary Increase in Ambient Noise Levels

Construction noise may exceed the 60 dBA L_{EQ} threshold for sensitive habitat in the MSCP Preserve Area and a significant temporary noise impact would occur to nesting birds in sensitive habitat.

Explanation

The primary source of temporary noise associated with implementation of the Project would be construction activities. Construction for each Project would involve several stages including grading, foundation construction, and finish construction. Noise generated by construction equipment can vary in intensity and duration during each phase of construction. Reasonable worst-case construction scenarios would be from the simultaneous operation of an excavator, loader, and dump truck during grading, which is the construction activity that typically generates the highest noise levels. These pieces of equipment would be used during grading to remove or modify soil, with the loaders and dump trucks removing the debris.

Sensitive habitat is located within the Project site, specifically in the eastern and southeastern portions of the Main Campus Property and the majority of the Lake Property. The MSCP Preserve area, containing sensitive habitat, is located adjacent to the east and south of the Main Campus Property and adjacent to the west and north of the Lake Property. These habitat areas may support avian nesting for sensitive bird species that may be affected by construction noise. These habitat areas may be within approximately 30 feet of the closest Project construction activities. Construction noise levels from an excavator, loader, and dump truck at this distance could temporarily reach 84.3 dBA L_{EQ}. The 60 dBA L_{EQ} contour line for the use of these pieces of equipment would be approximately 500 feet. Therefore, if construction activities using an excavator, loader, and a dump truck occur within 500 feet of sensitive habitat, a potentially significant noise impact would occur to nesting birds in sensitive habitat.

Mitigation Measures

To mitigate potentially significant noise impacts related to temporary impacts related to noise increases, mitigation measures 5.6-4 through 5.6-8a would be implemented. The full text for these measures is included in the Biological Resources section further below.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-4 through 5.6-8a are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant indirect impacts to a less than significant level.

Biological Resources

Thresholds of Significance

The Project would result in a significant impact to biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

- Conflict with any local policies or ordinances protecting biological resources, including an adopted habitat conservation plan, natural community.

Impact: Sensitive Plant and Wildlife Species

Implementation of the Project would result in significant direct impacts to several sensitive species, including San Diego barrel cactus, Otay tarplant, San Diego fairy shrimp, Quino checkerspot butterfly, coastal California gnatcatcher, least Bell's vireo, burrowing owl, northern harrier, southern California rufous-crowned sparrow, coastal cactus wren, raptors, and breeding migratory birds.

Explanation

Implementation of the Project would result in significant direct and indirect impacts to several sensitive species through the direct removal of the species, or habitat that supports the species. Impacts to each sensitive species are summarized below.

San Diego barrel cactus. The Project would result in direct impacts to approximately two specimens of San Diego barrel cactus on the Main Campus Property and 29 specimens on the Lake Property.

Otay tarplant. Impacts on Otay tarplant could occur within portions of the Main Campus Property and Lake Property characterized by non-native grassland and Diegan coastal sage scrub, as well as similar areas off site. If present, this species could occur in moderate numbers based on the presence of suitable conditions.

San Diego fairy shrimp. San Diego fairy shrimp has potential to occur within the vernal pools and road ruts on the Lake Property. The Project has been specifically designed to avoid vernal pools and watershed areas; however, three road ruts that could support San Diego fairy shrimp occur within the impact footprint. Additional road ruts may occur in the off-site impact areas. The potential for the road ruts to support San Diego fairy shrimp is considered low, as these ruts are apparently of recent origin and likely do not hold water long enough to allow fairy shrimp to complete their life-cycle. Moreover, such road ruts are routinely disturbed by passing vehicles.

Quino checkerspot butterfly. Impacts on the Quino checkerspot butterfly has a moderate potential to occur in the off-site impact areas south of the Main Campus Property associated with drainage improvements.

Coastal California gnatcatcher. This species is presumed to occupy the Diegan coastal sage scrub on the Main Campus Property and the Lake Property. Off-site impact areas between the Lake Property and Wueste Road contain Diegan coastal sage scrub habitat equivalent to habitat on the Lake Property, and gnatcatcher is presumed to occupy those areas.

Least Bell's vireo. Vireo is known to occur and was incidentally observed within the riparian habitat along the northeastern and eastern portion of the Main Campus Property. While direct impacts to vireo and its habitat would not occur, potential indirect construction noise-related and operation impacts could occur.

Burrowing owl. Suitable grassland habitat for burrowing owl exists on the Main Campus Property. While protocol surveys in 2016 were negative, there is some potential for burrowing owls to occupy the Main Campus Property.

Northern harrier. Northern harrier is a non-listed, MSCP-covered species that was observed foraging over the Main Campus Property in 2013.

Southern California rufous-crowned sparrow. Southern California rufous-crowned sparrow was observed immediately outside of the proposed impact footprint and is

presumed to occupy Diegan coastal sage scrub in the proposed development area including off-site areas.

Coastal cactus wren. Coastal cactus wren has potential to occur within portions of the Main Campus Property that support maritime succulent scrub.

Mitigation Measures

5.6-1a Pre-Construction Rare Plant Surveys for Impacts Outside of Covered Projects. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits for the Lake Property and off-site impact areas, the Project applicant shall retain a City-approved biologist to conduct rare plant surveys for sensitive plant species, including, but not limited to, Otay tarplant (Deinandra conjugens) and San Diego barrel cactus (Ferocactus viridescens), which are species determined to be present or to have a high potential to occur and that require additional measures for unavoidable impacts.

If plant species requiring transplantation – snake cholla (Opuntia parryi var. serpentine), San Diego barrel cactus, dot-seed plantain (Plantago erecta), coast cholla (Cylindropuntia prolifera), Otay tarplant – are found within the impact areas, the applicant shall implement Mitigation Measure 5.6-2, which includes measures for plant salvage and relocation, and preparation and implementation of a resource salvage plan.

Should narrow endemic species listed in Table 5-4 of the Chula Vista MSCP Subarea Plan be identified in the proposed off-site impact areas, the Project shall be designed so as to avoid them to the maximum extent practicable. If impacts to narrow endemics are unavoidable, they shall be limited as follows: impacts within the Lake Property shall be no more than 20 percent of the total population within the Project area; off-site impacts outside of the Preserve shall be no more than 20 percent of the total population within the Project area; and off-site impacts within the Preserve shall be no more than 5 percent of the total population within the Project area. In addition, impacts shall be mitigated at ratios of 1:1 to 3:1, depending on the sensitivity of the species. The proposed Project design, including mitigation, shall result in conservation of the species that is functionally equivalent to its status without the Project, including species numbers and area, and must ensure adequate Preserve design to protect the species in the long-term.

5.6-1b Plant Resource Salvage Plan. Prior to issuance of land development permits, including clearing or grubbing and grading permits for the Main Campus Property, Lake Property and all off-site impact areas, the applicant shall prepare a resource salvage plan for areas with salvageable plant resources, including Otay tarplant (*Deinandra conjugens*), San Diego barrel cactus (*Ferocactus viridescens*), dot-seed plantain (*Plantago erecta*, Quino checkerspot butterfly larval host plant), and coast cholla and snake cholla (*Cylindropuntia prolifera* and *Opuntia parryi* var. serpentine, habitat for cactus wren). The resource salvage plan shall, at a minimum, evaluate options for plant salvage and relocation, including native plant mulching, selective soil salvaging, application of plant materials on manufactured slopes, and application/relocation of

resources within the Preserve. Relocation efforts may include seed collection and/or transplantation to a suitable receptor site and will be based on the most reliable methods of successful relocation. The program shall contain a recommendation for method of salvage and relocation/application based on feasibility of implementation and likelihood of success. The program shall include, at a minimum, an implementation plan, maintenance and monitoring program, estimated completion time, and any relevant contingency measures. The resource salvage plan shall be prepared by a City-approved biologist. The applicant shall also be required to implement the resource salvage plan subject to the oversight of the Development Services Director (or their designee).

5.6-2a Fairy Shrimp Surveys. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits for the Lake Property and off-site impact areas, the Project applicant shall retain a qualified biologist possessing a valid ESA Section 10(a)(1)(A) Recovery Permit to survey potential habitat (i.e., road ruts) inside the proposed impact footprint in the Lake Property and off-site impact areas for presence of listed branchiopod species. The surveys shall be conducted in accordance with the most recent protocol survey guidelines established by the USFWS. If sensitive fairy shrimp species are found within the impact areas, the applicant shall implement Mitigation Measure 5.6-2b, which includes measures for obtaining take authorization and preparation and implementation of a resource salvage plan.

5.6-2b Fairy Shrimp Take Authorization and Resource Salvage Plan. Prior to issuance of land development permits, including clearing or grubbing and grading permits for the Lake Property and off-site impact areas, if fairy shrimp surveys required by Mitigation Measure 5.6-2a show the Project would have unavoidable impacts to listed fairy shrimp species, the applicant shall consult with the City and USFWS to obtain take authorization pursuant to ESA and the Chula Vista MSCP Subarea Plan. The applicant shall provide for mitigation as required by the City and USFWS, which may include, but is not limited to, preparation of a resource salvage plan and translocation of cysts by inoculation into existing suitable habitat within approved preserve areas or into created habitat on-site or within the Preserve, or acquisition and preservation of occupied habitat off-site.

5.6-3 Quino Checkerspot Butterfly and Host Plant Surveys. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits for the Lake Property, areas of the Main Campus Property mapped as Non-Preserve Habitat-Category A as shown on Chula Vista MSCP Subarea Plan Figure 4-1, and off-site impact areas in the Otay River Valley, the Project applicant shall retain a qualified biologist possessing a valid ESA Section 10(a)(1)(A) Recovery Permit to perform a site assessment and presence/absence survey for the Quino checkerspot butterfly. The surveys shall be conducted in accordance with the most recent protocol survey guidelines established by the USFWS. The survey shall include an inventory and mapping of locations of Quino checkerspot and its host plant, Plantago erecta. For areas within Preserve Habitat-Category A as shown on Chula Vista MSCP Subarea Plan Figure 4-1, a detailed habitat assessment shall be conducted to identify patches of QCB habitat and delineate “significant QCB habitat patches” as described in the Chula

Vista MSCP Subarea Plan Section 5.2.8.1 (4). Any "significant QCB habitat patches" within Preserve Habitat-Category A shall be avoided to the maximum extent practicable according to Section 5.2.8.1 (4). The applicant shall implement Mitigation Measure 5.6-2, which includes measures for preparation and implementation of a resource salvage plan for Plantago erecta. The Applicant shall notify the City and Wildlife Agencies if QCB are observed within 300 feet of the Preserve boundary, and shall work with the Wildlife Agencies to enable one-time only salvage by the Wildlife Agencies of larvae, butterflies and/or appropriate habitat constituents in areas identified to have QCB in accordance with section 5.2.8.2.

5.6-4 Coastal California Gnatcatcher Avoidance. For any work proposed between February 15 and August 15, prior to issuance of any land development permits for the Main Campus Property, Lake Property, and off-site impact areas, including clearing, grubbing, grading, and construction permits within or adjacent to suitable breeding habitat for the coastal California gnatcatcher, pre-construction surveys shall be performed in order to determine the presence or absence of the species and extent of occupied habitat. The pre-construction survey area for the coastal California gnatcatcher shall encompass suitable habitat within the Project work zone, as well as a 300-foot buffer.

The pre-construction survey shall be performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the City's MSCP Subarea Plan. The results of the pre-construction survey must be submitted in a report to the Development Services Director (or their designee) for review and approval prior to the issuance of any land development permits and prior to initiating any construction activities. If the coastal California gnatcatcher is detected, a minimum 300-foot buffer delineated by orange biological fencing shall be established around the detected species to ensure that no work shall occur within the occupied habitat from February 15 through August 15 and on-site noise reduction techniques shall be implemented to ensure that construction noise levels not exceed 60 dBA L_{EQ} (1 hour) at the location of any occupied sensitive habitat areas. The Development Services Director (or their designee) shall have the discretion to modify the buffer width depending on-site-specific conditions. If the results of the pre-construction survey determine that the survey area is unoccupied, the work may commence at the discretion of the Development Services Director (or their designee) following the review and approval of the pre-construction report.

5.6-5 Least Bell's Vireo Avoidance. For any work proposed between March 15 and September 15, prior to the issuance of any land development permits for the northern edge of the Main Campus Property and off-site impact areas, including clearing, grubbing, grading, and construction permits, a pre-construction survey for the least Bell's vireo shall be performed in order to reaffirm the presence and extent of occupied habitat. The pre-construction survey area for the species shall encompass all potentially suitable habitat within the Project work zone, as well as a 300-foot survey buffer. Habitat presumed to be occupied by least Bell's vireo is confined to southern willow scrub habitat approximately 200 feet northeast of the limit of proposed development. Buffer requirements for occupied habitat would encompass approximately 100 feet along the

northeast edge of the proposed development area. The pre-construction survey shall be performed to the satisfaction of the Development Services Director (or their designee) by a qualified biologist familiar with the Chula Vista MSCP Subarea Plan. The results of the pre-construction survey must be submitted in a report to the Development Services Director (or their designee) for review and approval prior to the issuance of any land development permits and prior to initiating any construction activities. If least Bell's vireo is detected, a minimum 300-foot buffer delineated by orange biological fencing shall be established around the detected species to ensure that no work shall occur within occupied habitat from March 15 through September 15. On-site noise reduction techniques shall be implemented to ensure that construction noise levels not exceed 60 dBA L_{EQ} (1 hour) at the location of any occupied sensitive habitat areas. The Development Services Director (or their designee) shall have the discretion to modify the buffer width depending on site-specific conditions. If the results of the pre-construction survey determine that the survey area is unoccupied, the work may commence at the discretion of the Development Services Director (or their designee) following the review and approval of the pre-construction report.

5.6-6 Pre-Construction Burrowing Owl Survey. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits for the Main Campus Property and off-site impact areas south of it, the Project applicant shall retain a City-approved biologist to conduct focused pre-construction surveys for burrowing owls. The surveys shall be performed no earlier than 30 days prior to the commencement of any clearing, grubbing, or grading activities. If occupied burrows are detected, the City-approved biologist shall prepare a passive relocation mitigation plan subject to review and approval by the wildlife agencies and the City, including any subsequent burrowing owl relocation plans to avoid impacts from construction-related activities.

5.6-7 Pre-Construction Northern Harrier Survey. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits for the Main Campus Property and off-site impact areas south of it, the Project applicant shall retain a City-approved biologist to conduct focused surveys for northern harrier to determine the presence or absence of this species within 900 feet of the construction area. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction. The results of the survey must be submitted to the City for review and approval. If active nests are detected by the City-approved biologist, a bio-monitor shall be on site during construction to minimize construction impacts and ensure that no nests are removed or disturbed until all young have fledged.

5.6-8a Pre-Construction Nesting Bird Survey. To avoid any direct impacts to raptors and/or any migratory birds protected under the Migratory Bird Treaty Act, removal of habitat that supports active nests on the proposed area of disturbance for the Main Campus Property and Lake Property and all off-site impact areas should occur outside of the breeding season for these species. The breeding season is defined as February 15 to August 15 for coastal California gnatcatcher and other non-raptor birds and January 15 to August 31 for raptor species. If removal of habitat on the proposed area of disturbance must occur during the breeding season, the Project applicant shall retain

a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, and the results must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan, as deemed appropriate by the City, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's mitigation monitor shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

5.6-8b Construction Fencing. Prior to issuance of land development permits, including clearing, grubbing, grading, and/or construction permits, the Project applicant shall install fencing in accordance with Chula Vista Municipal Code 17.35.030. Prominently colored, well-installed fencing and signage shall be in place wherever the limits of grading are adjacent to sensitive vegetation communities or other biological resources, as identified by the qualified monitoring biologist. Fencing shall remain in place during all construction activities. All temporary fencing shall be shown on grading plans for areas adjacent to the Preserve and for all off-site facilities constructed within the Preserve. Prior to release of grading and/or improvement bonds (as may be required by the City), a qualified biologist shall provide evidence that work was conducted as authorized under the approved land development permit and associated plans.

5.6-8c Construction Staging Areas. The Project applicant shall ensure proper designation of construction staging areas for Project activities such that no staging areas are located within Preserve areas or other sensitive habitat areas. Staging areas shall be identified following the advice of a qualified biologist, and with the approval of the City. Designated staging areas shall be included on construction plans and if located outside of development areas, Project plans shall include revegetation and/or mitigation for staging area impacts according to the HLIT. The construction contractor shall receive approval by the Project applicant prior to mobilizations and staging of equipment outside of the Project boundaries.

5.6-8d Biological Construction Monitor. Prior to issuance of land development permits, including clearing, grubbing, grading, and/or construction permits, for any areas adjacent to the Preserve and the off-site facilities located within the Preserve, the Project applicant shall provide written confirmation that a City-approved biological monitor has been retained and shall be on site during clearing, grubbing, and/or grading activities. The biological monitor shall attend all pre-construction meetings and be present during the removal of any vegetation to ensure that the approved limits of disturbance are not exceeded and provide periodic monitoring of the impact area including, but not limited to, trenches, stockpiles, storage areas, and protective fencing. Monitoring adjacent to Preserve Habitat Category A shall be consistent with the Chula Vista MSCP Subarea Plan Section 5.2.8.2. The biological monitor shall be authorized to halt all associated Project activities that may be in violation of the Chula

Vista MSCP Subarea Plan and/or permits issued by any other agencies having jurisdictional authority over the Project.

Before construction activities occur in areas containing sensitive biological resources within the off-site facilities area, all workers shall be educated by a City-approved biologist to recognize and avoid those areas that have been marked as sensitive biological resources.

5.6-8e Implement Preserve Edge Plan. Prior to the issuance of grading permits, the Project applicant shall submit evidence, to the satisfaction of the Development Services Director (or their designee), showing that the following features of the Preserve Edge Plans have been incorporated into grading and landscaping plans:

- Provide post and rail fencing and signage for sensitive habitat adjacent to trails. Prior to the issuance of land development permits, including clearing or grubbing and grading and/or construction permits, for the Project, the Project owner shall submit wall and fence plans depicting appropriate barriers to prevent unauthorized access to the Preserve. The wall and fence plans shall, at a minimum, illustrate the locations and cross-sections of proposed walls, fences, informational and directional signage, access controls, and/or boundary markers along the Preserve boundary and off-site pedestrian trails as conceptually described in the Edge Plans. The required wall and fence plan shall be subject to the approval of the Development Services Director (or their designee).

- Install canyon subdrains to prevent erosion of drainage and wetlands within the Preserve.

- Prevent release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm the natural environment or ecosystem within the Preserve.

- Implement all necessary requirements for water quality as specified by the state and local agencies.

- Do not allow the introduction of invasive, non-native plant species into areas immediately adjacent to the Preserve. All slopes immediately adjacent to the Preserve shall be planted with native species that reflect the adjacent native habitat, per the Edge Plan. Prior to the issuance of land development permits, including clearing or grubbing and grading and/or construction permits, for areas within the 100-foot Preserve edge, the Project applicant shall prepare and submit to the satisfaction of the Development Services Director (or their designee) landscape plans to ensure that the proposed plant palette is consistent with the plant list contained in the Preserve Edge Plans for each village. The landscape plan shall also incorporate a manual weeding program for areas adjacent to the Preserve. The manual weeding program shall describe, at a minimum, the entity responsible for controlling invasive species, the maintenance activities and

methods required to control invasive species, and a maintenance/monitoring schedule.

- Incorporate all fuel modification areas into development plans and do not include any areas within the Preserve, consistent with the Fire Protection Plan (FPP).

- In compliance with the Chula Vista MSCP Subarea Plan, all lighting shall be shielded and directed away from the Preserve. Prior to issuance of a building permit, a lighting plan and photometric analysis shall be prepared pursuant to Mitigation Measures 5.2-1 and 5.2-2 provided in Section 5.2, *Aesthetics/Landform Modification*.

- Noise impacts adjacent to the Preserve lands shall be minimized. Berms or walls shall be constructed adjacent to commercial areas and any other use that may introduce noises that could impact or interfere with wildlife utilization of the Preserve, although no such uses are currently proposed within or adjacent to the Preserve Edge. Construction activities shall include noise reduction measures or be conducted outside the breeding season of sensitive bird species, consistent with Mitigation Measure 5.5-5, provided in Section 5.5.

5.6-9 Siting Criteria Analysis. Prior to the issuance of any land development permits, including clearing, grubbing, and grading permits for all Planned and Future Facilities within 100 percent Conservation Areas including Preserve areas south of the Main Campus Property and north and west of the Lake Property, the Project applicant shall complete an updated siting criteria analysis for all proposed Planned and Future Facilities, based on biological surveys completed within one year of construction.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-1a, 5.6-1b, 5.6-2a, 5.6-2b, 5.6-3, 5.6-4, 5.6-5, 5.6-6, 5.6-7, 5.6-8a, 5.6-8b, 5.6-8c, 5.6-8d, 5.6-8e, and 5.6-9 are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Riparian Habitat and Sensitive Natural Communities

Implementation of the Project would result in significant direct impacts to maritime succulent scrub, Diegan coastal sage scrub, mule fat scrub, non-native grassland, and Diegan coastal sage scrub/non-native grassland.

Explanation

Any removal of a sensitive vegetation community is considered a significant impact because these habitats have the potential to support sensitive species. Implementation

of the Project would result in direct impacts to five sensitive vegetation communities, including maritime succulent scrub, Diegan coastal sage scrub, mule fat scrub, non-native grassland, and Diegan coastal sage scrub/non-native grassland.

Mitigation Measures

5.6-10a Compensatory Mitigation for Impacts to Sensitive Habitat. Impacts to sensitive habitat types from development associated with the Lake Property and off-site impact areas will be mitigated as shown in Table 5.6-6, *Mitigation for Impacts to Vegetation in the Lake Property and Off-site Areas,* and in accordance with Table 5-3 of the Chula Vista MSCP Subarea Plan. Impacts associated with the Main Campus Property are in the Development Area of a Covered Project or are Planned and Future Facilities within 100 percent Conservation Areas of a Covered Project, and do not require compensatory mitigation above and beyond the restoration requirements specified in the Subarea Plan. Mitigation for impacts associated with the Lake Property will be in accordance with the Chula Vista MSCP Subarea Plan and the City's HLIT Ordinance and as provided in the HLIT Findings (Appendix E of this EIR).

Prior to issuance of any land development permits, including clearing, grubbing, and grading permits for the Lake Property and off-site impact areas, the Project applicant shall obtain an HLIT Permit from the City pursuant to Section 17.35.080 of the Chula Vista Municipal Code and shall mitigate for direct impacts pursuant to Sections 5.2.2 and 5.2.4 of the City's MSCP Subarea Plan, including any applicable wetland mitigation pursuant to table 5.6 of the City's MSCP Subarea Plan. In compliance with the Chula Vista MSCP Subarea Plan, the applicant shall secure the appropriate MSCP Tier mitigation credits within a City- and wildlife agency-approved mitigation bank or other approved location offering mitigation credits consistent with the ratios specified in Table 5.6-6.

Table 5.6-6 MITIGATION FOR IMPACTS TO VEGETATION IN THE LAKE PROPERTY AND OFF-SITE AREAS (HLIT)[1]

Community	Tier[2]	Impact (Acres)	Mitigation Ratio[3]	Required Mitigation[3] (Acres)
Diegan coastal sage scrub outside of the Preserve	II	9.63	1:1	9.63
Diegan coastal sage scrub inside of the Preserve	II	0.59	1.5:1	0.89
Non-native grassland outside of the Preserve	III	0.78	0.5:1	0.39
Non-native grassland inside of the Preserve	III	3.71	1:1	3.71

[1] For the Main Campus Property, this includes impacts of off-site Future Facilities inside the Preserve, since these impacts exceed the 2-acre per facility threshold to require mitigation. On-site impacts and Planned Facilities for the Main Campus Property do not require mitigation and are not included in this table. For the Lake Property, this includes on-site impacts (which are outside of the Preserve), off-site Future and Planned Facilities inside the Preserve, and off-site Future and Planned Facilities outside of the Preserve. This table does not include the temporary impacts inside the preserve; those will be restored/revegetated in place per Mitigation Measures 5.6-14 and 5.6-16.

[2] Tiers and mitigation ratios are in accordance with the Chula Vista MSCP Subarea Plan's HLIT Upland Habitat Mitigation Ratios. No mitigation is required for Tier IV habitat types (i.e., non-sensitive vegetation communities and land covers including disturbed land, ornamental, or developed land).

[3] It is assumed that mitigation will be located inside the Preserve. Mitigation outside of the Preserve (i.e., Chula Vista MSCP Subarea Plan or Planning Area boundary) will require increased mitigation per Table 5-3 of the City's MSCP Subarea Plan.

The Project applicant shall be required to provide verification of purchase to the City prior to issuance of any land development permits.

In the event that a Project applicant is unable to secure mitigation through an established mitigation bank approved by the City and wildlife agencies, the Project applicant shall secure the required mitigation through the conservation of an area containing in-kind MSCP Tier habitat within the City's MSCP Subarea Plan or MSCP Planning Area in accordance with the mitigation ratios contained in Table 5-3 of the City's MSCP Subarea Plan and subject to wildlife agency concurrence.

Prior to issuance of any land development permit, and to the satisfaction and oversight of the City's Development Services Director (or their designee), the applicant shall secure the parcel(s) that will be permanently preserved for impact mitigation, prepare a long-term management and monitoring plan for the mitigation area, secure an appropriate management entity to ensure that long-term biological resource management and monitoring of the mitigation area is implemented in perpetuity, and establish a long-term funding mechanism for the management and monitoring of the mitigation area in perpetuity.

The long-term management and monitoring plan shall provide management measures to be implemented to sustain the viability of the preserved habitat and identify timing for implementing the measures prescribed in the management and monitoring plan. The mitigation parcel shall be restricted from future development and permanently preserved through the recordation of a conservation easement or other mechanism approved by the wildlife agencies as being sufficient to ensure that the lands are protected in perpetuity. The conservation easement or other mechanism approved by the wildlife agencies shall be recorded prior to issuance of any land development permits.

The Project applicant shall be responsible for maintaining the biological integrity of the mitigation area and shall abide by all management and monitoring measures identified in the management and monitoring plan until such time as the established long-term funding mechanism has generated sufficient revenues to enable a City-approved management entity to assume the long-term maintenance and management responsibilities.

5.6-10b Maritime Succulent Scrub Restoration Plan. Prior to the issuance of any land development permits (including clearing and grubbing or grading permits) on the Main Campus Property, the Project applicant shall prepare a restoration plan to restore 0.31 acre of maritime succulent scrub in the temporary impact (grading) footprint within the Preserve. The maritime succulent scrub restoration shall be prepared by a City approved biologist and to the satisfaction of the Development Services Director (or their

designee) pursuant to the Otay Ranch RMP restoration requirements. The restoration plan shall include, at a minimum, an implementation strategy; species salvage and relocation, appropriate seed mixtures and planting method; irrigation; quantitative and qualitative success criteria; maintenance, monitoring, and reporting program; estimated completion time; and contingency measures. The Project applicant shall also be required to implement the restoration plan subject to the oversight and approval of the Development Services Director (or their designee).

5.6-10c Salt Creek Coastal Sage Scrub Restoration Plan. Prior to the issuance of any grading permits for the Project, the Project applicant shall prepare a restoration plan to restore 20.6 acres of disturbed habitat within Salt Creek (shown on Figure 3-2 of the Chula Vista MSCP Subarea Plan) to coastal sage scrub habitat. The restoration plan shall be prepared by a City approved biologist and to the satisfaction of the Development Services Director (or their designee) consistent with the guidelines established in the Otay Ranch Coastal Sage Scrub and Maritime Succulent Scrub Habitat Replacement Master Plan. The restoration plan shall include, at a minimum, an implementation strategy; appropriate seed mixtures and planting method; irrigation; quantitative and qualitative success criteria; maintenance, monitoring, and reporting program; estimated completion time; and contingency measures. The Project applicant shall also be required to implement the restoration plan subject to the oversight and approval of the Development Services Director (or their designee).

5.6-10d Coastal Sage Scrub and Non-Native Grassland Revegetation Plan. Prior to issuance of land development permits, including clearing, grubbing, grading and construction permits for the Future and Planned Facilities associated with the Main Campus Property and the Lake Property, the Project applicant shall provide a revegetation plan for temporary impacts of Planned and Future Facilities within the Preserve, estimated at 0.66 acre of coastal sage scrub and 0.27 acre of non-native grassland. The revegetation plan must be prepared by a qualified City-approved biologist familiar with the City's MSCP Subarea Plan and must include, but not be limited to, an implementation plan; appropriate seed mixtures and planting method; irrigation method; quantitative and qualitative success criteria; maintenance, monitoring, and reporting program; estimated completion time; and contingency measures. The Project applicant shall be required to prepare and implement the revegetation plan subject to the oversight and approval of the Development Services Director (or their designee).

5.6-10e Annexation to Otay Ranch Preserve Community Facilities District (CFD) No. 97-2. Prior to the approval of the First Final Map for the Project on the Main Campus Property, the Project applicant shall coordinate with the City Engineer and annex the Project area within the Otay Ranch Preserve Community Facilities District (CFD) No. 97-2.

5.6-10f Land Conveyance to Otay Ranch Preserve Owner/Manager. Prior to recordation of each Final Map, Project applicant shall convey land within the Otay Ranch Preserve to the Otay Ranch Preserve Owner/Manager (POM) or its designee at a ratio of 1.188 acres for each acre of development area (excluding "common use"

areas as defined by the GDP and RMP), as defined in the RMP. Access for maintenance purposes shall also be conveyed to the satisfaction of the POM, and each tentative map shall be subject to a condition that the applicant shall execute a maintenance agreement with the POM stating that it is the responsibility of the applicant to maintain the conveyed parcel until the Preserve CFD has generated sufficient revenues to enable the POM to assume maintenance responsibilities. The applicant shall maintain and manage the offered conveyance property consistent with the RMP Phase 2 until the Preserve CFD has generated sufficient revenues to enable the POM to assume maintenance and management responsibilities.

5.6-10g Area Specific Management Directives for Conveyance Areas. Prior to the POM's formal acceptance of the conveyed land in fee title, the Project applicant shall prepare, to the satisfaction of the POM, Area Specific Management Directives (ASMDs) for the associated conveyance areas. The ASMDs shall incorporate the guidelines and specific requirements of the Otay Ranch RMP plans and programs, management requirements of Table 3-5 of the MSCP Subregional Plan and information and recommendations from any relevant special studies. Guidelines and requirements from these documents shall be evaluated in relationship to the Preserve configuration and specific habitats and species found within the associated conveyance areas and incorporated into the ASMDs to the satisfaction of the POM.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-10a through 5.6-10g are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Federally Protected Wetlands

Implementation of the Project would result in significant direct impacts to USACE regulated jurisdictional water and CDFW jurisdictional channels.

Explanation

A total of 0.44 acre of USACE, CDFW, and Regional Water Quality Control Board (RWQCB) jurisdictional waters and 0.08 acre of CDFW jurisdictional mule fat scrub would be impacted by implementation of the Project. Impacts to USACE and CDFW jurisdictional waters and channels would be considered significant and would require mitigation in accordance with the terms and conditions of a Section 404 permit from the USACE. A Section 401 Water Quality Certification from the RWQCB would be required to be issued prior to the Project receiving a Section 404 permit. Additionally, impacts to wetlands and channels would be required to be mitigated in order to be consistent with the City's wetlands protection program.

Mitigation Measures

5.6-11a Wetland Delineation Studies. Prior to issuance of any land development permits, including clearing, grubbing, and grading permits on the Main Campus Property and Lake Property and off-site impact areas, the Project applicant shall retain a qualified biologist to perform a formal wetland delineation in order to qualify and quantify existing wetland resources potentially subject to the regulatory jurisdiction of the USACE, RWQCB, and/or CDFW. Wetland delineations shall be conducted in accordance with the methods and current regulatory guidance recommended by these agencies. The results of the wetland delineation shall be documented in a report to determine Project impacts and avoidance, and if required, facilitate the acquisition of federal and state permits.

5.6-11b Wetland Permits. Prior to issuance of land development permits, including clearing or grubbing and grading permits for areas that impact jurisdictional waters, the Project applicant shall provide evidence that all required regulatory permits, such as those required under Section 404 of the federal CWA, Section 401 of the federal CWA, and Section 1600 of the California Fish and Game Code, and/or the Porter Cologne Water Quality Act, have been obtained from the appropriate agencies. Wetland mitigation requirements under these permits might include preparation of a Habitat Mitigation and Monitoring Plan approved by USACE, CDFW, and RWQCB.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-11a and 5.6-11b are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Consistency with Local Policies, Ordinances, HCP, and NCCP

Implementation of the Project would result in potentially significant impacts related to consistency with local plans related to biological resources, including the Chula Vista MSCP Subarea Plan/Otay Ranch RMP.

Explanation

Due to the proximity of the Project site to the MSCP Subarea Plan/Otay Ranch RMP, there is the potential for

Mitigation Measures

Implement mitigation measures 5.6-1a through 5.6-11b (see above), as well as mitigation measure 5.11-1a (see below in Hydrology/Water Quality that requires development and implementation of a SWPPP and monitoring plan).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-1a through 5.6-11b and 5.11-1a are feasible and shall be required as conditions of approval and made binding on the applicant. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Cultural Resources

Thresholds of Significance

The Project would result in a significant impact to cultural resources if it would:

- Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact: Archaeological Resources

Implementation of the Project would result in potentially significant impacts related to the discovery of archaeological resources.

Explanation

Seventeen archaeological sites and isolates were identified within the Project area (Main Campus Property and Lake Property) and off-site improvement areas; however, only two potentially remaining sites could be impacted by the proposed Project, including Site 1 and CA-SDI-13-454). In addition to the known resources detailed above, there is a potential for additional cultural resources to be present that could not be seen due to the limited ground visibility over a majority of the Project area.

Mitigation Measures

5.7-1a Archaeological Monitor. Prior to issuance of land development permits, including clearing or grubbing and grading permits, the applicant shall provide written confirmation and incorporate into grading plans, to the satisfaction of the Development Services Director (or their designee), that a principal investigator as listed by the Secretary of the Interior (CFR Title 36, Section 61) has been retained in an oversight capacity to ensure that an archaeological monitor will be present during all cutting of previously undisturbed soil. If these cutting activities would occur in more than one

location, multiple monitors shall be provided to monitor these areas, as determined necessary by the principal investigator.

5.7-1b Resource Discovery Procedure. During the initial grading of previously undisturbed soils within the UID Project area and any off-site improvement areas, prehistoric and historic resources may be encountered. In the event that the monitor identifies a potentially significant site, the archaeological monitor shall secure the discovery site from further impacts by delineating the site with staking and flagging, and by diverting grading equipment away from the archaeological site. Following notification to the Development Services Director (or their designee), the archaeological monitor shall conduct investigations as necessary to determine if the discovery is significant under the criteria listed in CEQA and the environmental guidelines of Chula Vista. If the discovery is determined to be not significant, grading operations may resume and the archaeological monitor shall summarize the findings in a letter report to the Development Services Director (or their designee) following the completion of mass grading activities. The letter report shall describe the results of the on-site archeological monitoring, each archaeological site observed, the scope of testing conducted, results of laboratory analysis (if applicable), and conclusions. The letter report will be completed to the satisfaction of the Development Services Director (or their designee) prior to release of grading bonds. Any artifacts recovered during the evaluation shall be curated at a curation facility approved by the Development Services Director (or their designee).

For those prehistoric/historic resources that are determined to be significant, the following measures shall be implemented by the applicant:

i. An alternate means of achieving mitigation shall be pursued. In general, these forms of mitigation include: (1) site avoidance by preservation of the site in a natural state in open space or in open space easements; (2) site avoidance by preservation through capping the site and placing landscaping on top of the fill; (3) data recovery through implementation of an excavation and analysis program; or (4) a combination of one or more of the above measures. Procedures for implementing the alternative forms of mitigation described herein are further detailed in the Mitigation Monitoring and Reporting Program adopted as part of the 1993 Otay Ranch General Development Plan Program EIR (EIR 90-01).

ii. For those sites for which avoidance and preservation is not feasible or appropriate, the applicant shall prepare a Data Recovery Plan. The plan will, at a minimum, include the following: (1) a statement of why data recovery is appropriate as a mitigating measure; (2) a research plan that explicitly provides the research questions that can reasonably be expected to be addressed by excavation and analysis of the site; (3) a statement of the types and kinds of data that can reasonably be expected to exist at the site and how these data will be used to answer important research questions; (4) a step-by-step discussion of field and laboratory methods to be employed and (5) a statement regarding provisions for curation and storage of the artifacts, notes, and photographs. In cases involving historic resources, archival research and historical

documentation shall be used to augment field-testing programs. Grading operations within the affected area may resume once the site has been fully evaluated and mitigated to the satisfaction of the Development Services Director (or their designee). All significant artifacts collected during the implementation of the Data Recovery Plan shall be curated at a facility approved by the Development Services Director (or their designee).

iii. Following the completion of mass grading operations, the applicant shall prepare a plan that addresses the temporary on-site presentation and interpretation of the results of the results of the archaeological studies for the Project. This could be accomplished through exhibition within a future community center, civic building and/or multi-purpose building. This exhibition will only be for temporary curation of those materials being actively used for interpretation and display, and that permanent curation of artifacts and data will be at a regional repository when one is established. All significant artifacts collected during the implementation of the Data Recovery Plan shall be permanently curated at a facility approved by the Development Services Director (or their designee).

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.7-1a and 5.7-1b are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Human Remains

Construction activities associated with the Project could inadvertently result in significant impacts to presently unknown human remains that may be uncovered during clearing and grading.

Explanation

Results of the cultural resources record search and survey did not identify any human remains or records of human remains in the Main Campus Property or Lake Property. However, given the presence of archeological resources on the site, regardless of cultural significance, previously unknown human remains may be present in the Project area and off-site improvement area. Ground-disturbing construction activities, grading, and trenching associated with the Project would have the potential to uncover human remains. Compliance with existing regulations would reduce impacts to a less than significant level. However, without an archaeological monitor on-site during construction to identify evidence of remains and ensure proper regulatory compliance, ground-disturbing construction activities associated with the SPA Plan would have the potential to result in a significant impact to human remains.

Mitigation Measures

5.7-2 Human Remains Disturbance Protocol. If human remains are discovered during grading or site preparation activities within the UID on-site development or off-site improvement Project areas, the archaeological monitor shall secure the discovery site from any further disturbance. State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to the origin and disposition of the remains pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC. The Native American Heritage Commission will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American. The Most Likely Descendent will assist the Development Services Director (or their designee) in determining what course of action shall be taken to deal with the remains. Grading operations within the affected area may resume once the site has been fully evaluated and mitigated to the satisfaction of the Development Services Director (or their designee). The Archaeological Monitor shall summarize the findings in a letter report to the Development Services Director (or their designee) following the completion of mass grading activities.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.7-2 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Paleontological Resources

Geological formations underlying the Project site and off-site improvement areas have a high sensitivity for paleontological resources.

Explanation

Direct impacts to paleontological resources would have the potential to occur during earthwork activities, such as mass grading operations on site. Ground-disturbing construction would cut into the geological formations within the Project site that have a high potential for containing fossilized material because the majority of the Project site is underlain by the Otay Formation which has a high sensitivity for paleontological resources. This formation would be disturbed by grading activities and during construction of proposed off-site improvements. These direct impacts would have the potential to adversely affect unique fossilized remains.

Mitigation Measures

5.7-3a Paleontological Resource Mitigation Program. Prior to the issuance of grading permits for the proposed on-site development or off-site improvement Project

areas, the applicant shall provide written confirmation to the Development Services Director (or their designee) that a qualified paleontologist has been retained to carry out an appropriate mitigation program. A qualified paleontologist is defined as an individual with a M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques. A pre-grade meeting shall be held between the paleontologist and the grading and excavation contractors.

5.7-3b Paleontological Monitor. A paleontological monitor shall be on-site at all times during the original cutting of previously undisturbed areas of the Otay Formation or Quaternary alluvial terrace deposits to inspect cuts for contained fossils. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials. The paleontological monitor shall work under the direction of a qualified paleontologist.

i. The monitor shall be on the site at least on a quarter-time basis during the original cutting of previously undisturbed sediments of low sensitivity geologic formations (Holocene alluvial deposits) to inspect cuts for contained fossils. He or she shall periodically (every several weeks) inspect original cuts in deposits with unknown resource sensitivity, if applicable (e.g., Quaternary alluvium).

ii. In the event that fossils are discovered in unknown, low or high sensitivity materials, the per-day field monitoring time shall be increased. Conversely, if fossils are not discovered, the monitoring, at the discretion of the Planning Department, shall be reduced. A paleontological monitor is not needed during grading in areas with deposits exhibiting no resource sensitivity (topsoil and artificial fill).

5.7-3c Fossil Discovery Procedure. If fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short time frame, although some fossil specimens (e.g., a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances, and at the discretion of the paleontological monitor, to set up a screen-washing operation on the site.

5.7-3d Fossil Recording. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum. A final summary report shall be completed, and shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the

significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.7-3a through 5.7-3d are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Geology and Soils

Thresholds of Significance

The Project would result in a significant impact to geology and soils if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and/or landslides.

- Result in substantial soil erosion or the loss of topsoil.

- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property (with the UBC replaced by the IBC, and the definition of expansive soil now based on Section 1802.3.2 of the IBC and Section 1803A.5.3 of the CBC).

Impact: Exposure to Seismic Related Hazards

The Project is subject to potential seismic-related ground shaking and/or slope instabilities or landslides.

Explanation

Although no evidence of ancient landslides or slope instabilities was cited in the Geotechnical Investigation, grading activities associated with cut slopes could result in slope instabilities within the Project area because grading could expose bentonitic claystone beds on the finished slope faces.

Mitigation Measures

5.8-1a Site-specific Geotechnical Evaluation. Prior to the issuance of any grading permit for the UID, the applicant shall have a detailed, site-specific geotechnical evaluation conducted prior to finalization of Project plans. This evaluation will include appropriate subsurface exploration, laboratory testing and field inspection/verification to

further evaluate geologic conditions and provide additional information on the engineering characteristics of earth materials and associated conditions present within the site. The site-specific geotechnical evaluation will be submitted to the City for review and approval prior to Project construction. All measures and recommendations included in the site-specific geotechnical evaluation will be incorporated into the final design plans for the Project.

5.8-1b Geotechnical Risk Reduction Measures. Prior to the issuance of any grading permit for the UID, the applicant shall verify that the applicable recommendations in the Geotechnical Evaluation prepared by Ninyo & Moore, dated May 27, 2016, have been incorporated into the final Project design and construction documents to the satisfaction of the City of Chula Vista Engineer. These recommendations address issues including soft ground, expansive soils, ground shaking, liquefaction, and shallow groundwater. Geotechnical review of grading plans shall include a review of all proposed storm drain facilities to ensure the storm water runoff would not interfere with the proposed geotechnical recommendations.

5.8-1c Slope Factor of Safety. Prior to the issuance of any grading permit for the UID, the City Engineer shall review and approve all slopes stability strategies to ensure all graded slopes have a minimum factor of safety of 1.5. Strategies to increase stability may include, but are not limited to, a stability buttress or sheer pins.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.8-1a through 5.8-1c are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Soil Erosion or Topsoil Loss

Implementation of the Project could result in soil erosion and topsoil loss during and following Project construction.

Explanation

The Project site includes rolling hills that slope southward and tributary drainages travel from the Project site towards the Otay River. Implementation of the Project would increase the potential for erosion and sedimentation both within and downslope of the site during construction and operation. Specifically, proposed activities may involve: (1) removal of surface stabilizing features (e.g., vegetation); (2) excavation of compacted materials; and (3) redeposition of excavated and/or imported material as backfill in proposed development areas. While graded/excavated areas and fill materials would be stabilized through efforts such as compaction and installation of structures/hardscape and landscaping, erosion potential would be higher in the short-term than for existing

conditions. Developed areas would be especially susceptible to erosion between the beginning of grading/construction and the installation of pavement or establishment of permanent cover in landscaped areas.

Mitigation Measures

Implement mitigation measures 5.11-1a through 5.11-1f, which are included further below under *Hydrology and Water Quality*.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.11-1a through 5.11-1f are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Slope Stability

The presence of loose compressible materials within the UID could become unstable as a result of the Project.

Explanation

Loose, compressible and corrosive soils are found over much of the Project area, including alluvium, topsoil and the undocumented artificial fill. These materials may settle under increased loads, or due to an increase in moisture content from changes in irrigation or site drainage. Thus, soils could become unstable over time. As a result, there is the potential for landsliding, lateral spreading, liquefaction and/or collapse as a result on compressible soils.

Mitigation Measures

Implement mitigation measures 5.8-1a through 5.8-1c, which are listed above for impacts related to exposure to seismic related hazards.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.8-1a through 5.8-1c are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Expansive Soils

Soils within the Project site have a high expansion potential that could create substantial risks to life or property.

Explanation

All of the mapped on-site soils exhibit generally high expansion potential due to clay content, and the Project Geotechnical Evaluation notes that "…the siltstone and claystone portions of the Otay Formation may be expansive."

Mitigation Measures

Implement mitigation measures 5.8-1a through 5.8-1c, which are listed above for impacts related to exposure to seismic related hazards.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.8-1a and 5.8-1c are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Public Services

Thresholds of Significance

The Project would result in a significant impact to public services if it would:

- Further reduce the ability of properly equipped and staffed fire and medical units to respond to calls throughout the City within 7 minutes in 80 percent of the calls.

- Exceed the City's growth management threshold standard to respond to Priority One emergency calls throughout the City (within 7 minutes in 81 percent of the cases and an average response time to all Priority One calls of 5.5 minutes or less); and/or exceed the City's growth management threshold standard to respond to Priority Two urgent calls throughout the City (within 7 minutes in 57 percent of cases and an average response time to all Priority Two calls of 7.5 minutes or less).

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for educational facilities services.

- Locate schools in areas where disturbing factors such as traffic hazards, airports, or other incompatible land uses are present; in areas where they are not integrated into the system of alternative transportation corridors, such as bike lanes, riding and hiking trails, and mass transit; where private elementary and secondary schools are not spaced far enough from public schools and each other to prevent a concentration of school impacts; with at least 10 usable acres for an elementary school; without a central location to residential development; adjacent to a street or road which cannot safely accommodate bike, foot, and vehicular traffic; in areas not adjacent to parks, thereby discouraging joint field and recreation facility uses; at an unsafe distance from contaminants or toxins in the soil or groundwater from landfills, fuel tanks, agricultural areas, power lines, utility easements, and so on; or inside of floodplains; on unstable soils; or near fault lines.

- Fail to meet the City's threshold standard of 500 gross square feet of library space, adequately equipped and staffed, per 1,000 population.

- Fail to meet City's growth management threshold standard for parks and recreation of three acres of neighborhood and community parkland per 1,000 residents east of I-805.

Impact: Fire and Medical Services

Implementation of the Project would result in a residential population of approximately 11,400 people (comprising 5,400 students and 6,000 non-students within 2,000 market-rate units) and approximately 10 million square feet of development. This increase in residences and university-related facilities would result in an increase in demand for fire and emergency medical services, and an increase in demand for fire protection if fully operational and appropriately equipped and staffed fire stations are not provided commensurate with the demand on fire and emergency medical services.

Explanation

The Project would add nearly seven calls per day to Fire Station No. 7 that currently responds to approximately 5.1 calls per day; however, because the actual call volume is estimated to be lower than about seven calls because 26,600 of the 34,000 persons analyzed would not be on-site during nighttime hours, and the additional fire response resources associated with planned new fire stations, it is anticipated that the Project calls can be absorbed and would not require additional fire station resources beyond existing and planned fire stations and ambulance coverage. With the addition of two planned fire stations in the Project area, which include Fire Station Nos. 10 and 12 in the Millenia and Village 8 West developments, respectively, and the currently low call volume at Station 7, the additional calls associated with Project buildout can be absorbed and still result in acceptable emergency response.

However, additional fire equipment, staff and facilities required to serve the increased population proposed by the UID is identified in the Village 9 and 10 PFFPs. The PFFPs

ensure that Project development will not adversely impact the City's quality of life standards. A combination of PFDIF fees from the Village 9 and 10 applicants, implementation of the PFFPs, and compliance with existing City policies and mechanisms would ensure that the GMO threshold standard is achieved.

In summary, the "worst-case" estimated calls per day generated by the Project could have a significant impact on the response capability of the existing CVFD fire stations; however, with development and operation of the planned fire stations in the Project area would ensure that fire and emergency medical response calls at the Project site can be adequately addressed by the CVFD. Therefore, Project impacts to fire and emergency medical responses would be less than significant if the planned fire stations are operational when needed at the appropriate phases of the Project. However, the Project's increase in demand on fire and emergency medical services would be significant if fully operational and appropriately equipped and staffed fire stations are not provided commensurate with the demand on fire and emergency medical services.

Mitigation Measures

5.9.1-1a Growth Management Program's Fire and Emergency Medical Service Threshold Standard. The City shall continue to monitor the Chula Vista Fire Department responses to emergency fire and medical calls and report the results to the Growth Management Oversight Commission on an annual basis.

5.9.1-1b Public Facilities Development Impact Fees. Prior to the approval of each building permit, the Project applicant(s) shall pay a PFDIF in accordance with the fees in effect at the time of building permit issuance and phasing approved in the Public Facilities Finance Plan. Subject to approval of the City Council, in lieu of paying the required impact fee, the applicant(s) may satisfy that requirement through a written agreement, by which the applicant(s) agrees to either pay the fee or build the facility in question, pursuant to the terms of the agreement.

5.9.1-1c Fire Code Compliance. Prior to the approval of each building permit and to the satisfaction of the Chula Vista Fire Marshal, the Project shall meet the provisions of the current City-adopted California fire code. In meeting said provisions, the Project shall meet the minimum fire flow requirements based upon construction type and square footage.

5.9.1-1d Fuel Modification Easements. Prior to approval of a Final Map requiring off-site fuel modification, as determined the City Fire Marshal, the applicant shall secure any required permits and/or access easements necessary to perform the required brush abatement activities contained in the UID Fire Protection Plan, to the satisfaction of the City's Fire Marshal and Development Services Director.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically,

mitigation measures 5.9.1-1a through 5.9.1-1d are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Police Service Standards

The Project would result in a potentially significant increase demand on police protection if additional police officers are not provided commensurate with demand.

Explanation

The CVPD does not currently meet the GMO response time thresholds for Priority One or Two calls. The Project would incrementally increase Priority One and Two calls, which could make meeting the priority threshold more difficult. Additional staffing and equipment would be required to bring the CVPD in compliance with the Priority Two call threshold.

Mitigation Measures

5.9.2-1a Public Facilities Development Impact Fees. Prior to the issuance of each building permit for any residential dwelling units, the Project applicant(s) shall pay a PFDIF in accordance with the fees in effect at the time of building permit issuance and phasing approved in the Public Facilities Finance Plan, unless stated otherwise in a separate development agreement.

5.9.2-1b Growth Management Program's Police Threshold Standard. The City shall continue to monitor the Chula Vista Police Department responses to emergency calls and report the results to the Growth Management Oversight Commission on an annual basis.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.9.2-1a and 5.9.2-1b are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: School Facilities

Implementation of the Project would result in the generation of students that result in a significant impact on Chula Vista Elementary School District and Sweetwater Union High School District schools unless the construction of additional schools coincides with student generation and associated service demands.

Explanation

The Project would generate approximately 823 elementary school students, 238 middle school students, and 426 high school students, for a total of 1,487 students. Two elementary school sites have been reserved in the adjacent Village 9 development, which is projected to generate 890 elementary school students. To fulfill the elementary school space needs of both Village 9 and the Project, both Village 9 school sites may be developed at the discretion of the CVESD. Each site is large enough to accommodate approximately 750 students. The decision on which site, if either, to acquire and commence construction is solely the decision of the CVESD. Until such time that the schools are completed, any students residing in the UID may attend schools in Eastlake Village 11 and/or the planned elementary school in Millenia.

It is anticipated that the approximately 238 middle school students generated by the UID would likely attend either the planned middle schools located in Eastlake Village 11 or in Otay Ranch Village 8 West, scheduled to open in July 2019. High school students would likely attend Olympian High School, located in Village 7 less than 0.5 mile from the Project site. The district is beginning construction of high school No. 14 at the northeast corner of Eastlake Parkway and Hunte Parkway, which when completed, would be the high school for the UID. Also located within the Project site is the High Tech High Charter School, which represents potential capacity for high school students. Overall, the district has identified the need to acquire a 25- to 50-acre site to accommodate all projected future growth.

Mitigation Measures

5.9.3-1 School Service Fees. Prior to the issuance of any residential dwelling units, the Project applicant(s) shall provide evidence or certification by the CVESD and SUHSD that any fees, charges, dedications, or other requirements levied by the school districts have been complied with or that the districts have determined the fees, charges, dedications or other requirements do not apply to the construction or that the Project applicant(s) has entered into a school mitigation agreement.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.9.3-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Library Service Standard

The Project would result in an increase in demand for library services because the land use would change from vacant land to occupied development that would require library services. Impacts would be significant if library resources are not provided commensurate with demand.

Explanation

As stated in the PFFP for the Project, the City's current library facilities (approximately 95,412 square feet) are currently approximately 37,188 square feet below the threshold standard. The Chula Vista Library Master Plan establishes a standard of 500 square feet of adequately equipped and staffed library facilities per 1,000 residents. Based on the projected non-student population of 6,000 people within 2,000 market-rate units, the UID SPA Plan would generate a demand for approximately 3,000 square feet of additional library facilities within the City. The SPA Plan would allow for the development of academic and higher learning uses that would be shared by the proposed university and the surrounding residential community.

A future library is proposed in the Millenia development that would serve the UID and would result in a total of 30,000 gross square feet of library space. This amount would accommodate the increase in population as a result of the development proposed in the UID and maintain acceptable service ratios. In addition, library facilities would also be permitted throughout the UID and would be available to residents in the area. Nonetheless, impacts to library facilities may be potentially significant because the timing of the Millenia library as it relates to the development of the UID is not certain.

Mitigation Measures

5.9.4-1Public Facility Development Impact Fees. Prior to the issuance of each building permit for any residential dwelling units, the Project applicant(s) shall pay a required PFDIF in accordance with the fees in effect at the time of building permit issuance and phasing approved in the Public Facilities Finance Plan.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.9.4-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Parks and Recreation Facilities

Implementation of the Project would result in a significant impact to parks if parkland is not developed concurrent with market-rate housing.

Explanation

The Project would potentially increase use of existing and proposed regional and community parks, and the addition of 2,000 market-rate units would be subject to the City's growth management threshold standard of three acres of neighborhood and community parkland per 1,000 residents. Assuming three persons per household, up to

6,000 residents would reside within the proposed 2,000 market-rate housing units, and a total of 18 acres of parkland would be required.

The UID SPA Plan does not propose formal active parks that are fully equipped with all the usual amenities of a neighborhood park in the Otay Ranch area; However, the UID SPA Plan identifies 95.1 acres in Sectors O-1, O-2, and O-3, which would provide flexible areas that may contain play areas, seating areas, public plazas, academic sports facilities, dog parks, open areas, and water features. The common space areas are composed of social space and sloped areas. Typically, only relatively flat space qualifies for park credit; therefore, the 39.5-acre O-2 area is given 50 percent credit. The pedestrian walks (O-3, 14.5 acres) are described as providing more traditional park amenities suitable for permanent (non-student) residents, and the habitat conservation areas (O-1, 41.4 acres) also provide recreational amenities. Based on these criteria, of the 95.1 acres of parks, about 44.7 acres are considered eligible for credit, which would exceed the 18 acres of require parkland per the standard of three acres per 1,000 residents. However, as the timing and phasing of the proposed Project is not known, construction of parkland areas within Sectors O-1, O-2, and O-3 would need to be commensurate with occupancy of market-rate housing and a significant environmental impact could occur.

Mitigation Measures

5.9.5-1 Prior to the issuance of occupancy permits for any of the proposed 2,000 market-rate residential units, the Project applicant shall demonstrate that sufficient parkland areas are constructed within the UID SPA Plan to the satisfaction of the City's Parks Division. If the amount of constructed parkland areas does not equal or exceed the ratio of three acres per 1,000 residents, the City of Chula Vista, and its successor in interest, shall develop a plan specifying how the deficit will be eliminated. The method by which the Project's parkland obligation is met must consider, in addition to the dedication of acreage, the development of additional usable park acres, whether by payment of fees, construction of park facilities, or a combination of both, in order to meet the total UID obligation.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.9.5-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Hydrology and Water Quality

Thresholds of Significance

The Project would result in a significant impact to hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements, including City of Chula Vista engineering standards for storm water flows and volumes.

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off the site, or violate City of Chula Vista Engineering Standards for storm water flows and volumes.

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off the site.

- Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

- Otherwise substantially degrade water quality.

- Result in a substantial increase in risk of exposure to inundation by seiche, tsunami, or mudflow.

Impact: Water Quality Standards

Implementation of the Project would result in a violation of quality standards or waste discharge requirements.

Explanation

Pollutants associated with construction would degrade water quality if they were washed by storm water or non-storm water into surface waters. Sediment is often the most common pollutant associated with construction sites because of the associated earth-moving activities and areas of exposed soil. Hydrocarbons such as fuels, asphalt materials, oils, and hazardous materials such as paints and concrete slurries discharged from construction sites could also impact aquatic plants and animals downstream. Debris and trash could be washed into existing storm drainage channels to downstream surface waters and could impact aquatic wildlife, wetland or riparian habitat and aesthetic value. Construction activities would potentially result in a significant change in local receiving water quality if best management practices (BMPs) are not put in place to prevent polluted runoff from entering Otay River.

There are multiple pollutants associated with operations of land uses proposed in the UID, including sediment, nutrients, heavy metals, organic compounds, trash and debris, oxygen demanding substances, oil and grease, bacteria and viruses, and pesticides. The San Diego Bay is impaired for organic compounds. Therefore, organic compounds are a pollutant of concern associated with the Project. Increased runoff from the development of future land uses as designated in the Project area, and an associated increase in impervious surfaces, would potentially result in the contribution of non-point source pollution, including organic compounds, into Otay River, and ultimately San Diego Bay, that would degrade water quality.

Mitigation Measures

5.11-1a Storm Water Pollution Prevention Plan (SWPPP). Prior to the issuance of each grading permit for any land development permit, including clearing and grading, the Project applicant shall submit notice of intent and obtain coverage under the National Pollutant Discharge Elimination System permit for construction activity from the State Water Resources Control Board. Adherence to all conditions of the General Permit for Construction Activity is required. The applicant shall be required under the State Water Resources Control Board General Construction Permit to develop a SWPPP and monitoring plan that shall be submitted to the City Engineer and the Director of Public Works. The SWPPP shall be incorporated into the grading and drainage plans and shall specify both construction and post-construction structural and non-structural best management practices on the site to reduce the amount of sediments and pollutants in construction and post-construction surface runoff before it is discharged into off-site storm water facilities. Section 7 of the City's Storm Water Manual outlines construction site best management practice requirements. The SWPPP shall also address operation and maintenance of post-construction pollution prevention measures, including short-term and long-term funding sources and the party or parties that will be responsible for said measures, as well as measures to maintain the Project area free of trash and debris; employ appropriate standard spill prevention practices and clean-up materials; install and maintain sediment and erosion control measures in accordance with an approved SWPPP; maintain effective control of fugitive dust; and properly store, handle, and dispose of all toxins and pollutants including waste materials. The SWPPP shall incorporate construction and post-construction best management practices as outlined in the UID Edge Plan (Appendix D of the UID SPA Plan). The grading plans shall note the condition requiring a SWPPP and monitoring plans. Additional notes shall be included on the applicable construction plans to the satisfaction of the City Engineer and the Director of Public Works:

- A qualified biologist shall be on site to monitor all vegetation clearing and periodically thereafter during construction to ensure implementation of appropriate resource protection measures.

- Dewatering shall be conducted in accordance with standard regulations of the RWQCB. A permit to discharge water from dewatering activities will be required.

- During construction, material stockpiles shall be placed such that they cause minimal interference with on-site drainage patterns.

- Material stockpiles shall be covered when not in use.

- Graded areas shall be periodically watered to minimize dust that may affect adjacent vegetation.

Also, performance measures contained in the Edge Plan shall be implemented to avoid the release of toxic substances associated with urban runoff, including:

- Sediment shall be retained on site by a system of sediment basins, traps, or other appropriate measures.

- Storm drains shall be equipped with silt and oil traps to remove oils, debris, and other pollutants. Storm drain inlets shall be labeled "No Dumping-Drains to Ocean." Storm drains shall be regularly maintained to ensure their effectiveness.

- The parking lots shall be designed to allow storm water runoff to be directed to vegetative filter strips and/or oil-water separators to control sediment, oil, and other contaminants.

- Permanent energy dissipators shall be included for drainage outlets.

- The BMPs contained in the SWPPP shall include, but are not limited to, silt fences, fiber rolls, gravel bags, and soil stabilization measures such as erosion control mats and hydro-seeding.

- The Project area drainage basins will be designed to provide effective water quality control measures, as outlined in the Project's Water Quality Technical Reports. Design and operational features of the drainage basins will include design features to provide maximum infiltration and maximum detention time for settling of fine particles; maximize the distance between basin inlets and outlets to reduce velocities; and establish maintenance schedules for periodic removal of sedimentation, excessive vegetation, and debris.

5.11-1b Supplemental Water Quality Report. Prior to the issuance of each grading permit, the applicant shall submit a supplemental report to the site-specific PDP SWQMP (Rick Engineering 2015b; Appendix H of this EIR) that identifies which on-site storm water management measures from the PDP SWQMP have been incorporated into the Project to the satisfaction of the City Engineer. If a storm water management option is chosen by the planning area owner that is not shown in the water quality technical report, a Project-specific water quality technical report shall be prepared for the planning area, referencing the Water Quality Technical Report for the UID for information relevant to regional design concepts (e.g., downstream conditions of concern) to the satisfaction of the City Engineer.

5.11-1c Post-Construction/Permanent Best Management Practices. Prior to issuance of each grading permit, the City Engineer shall verify that applicants have incorporated and will implement post-construction BMPs in accordance with current regulations. In particular, applicants are required to comply with the requirements of Section 2c of the City of Chula Vista's Standard Urban Storm Water Management Plan, the Chula Vista Development Storm Water Manual, and the PDP SWQMP for the UID or any supplements thereto to the satisfaction of the City Engineer. Specifically, the applicant shall implement low impact development (LID) best management practices in the preparation of all site plans and incorporate structural on-site design features into the Project design to address site design and treatment control best management practices as well as requirements of the hydromodification management plan. The applicant shall monitor and mitigate any erosion in downstream locations that may occur because of on-site development.

5.11-1d Limitation of Grading. Prior to issuance of each grading permit, the Project applicant shall comply with the Chula Vista Development Storm Water Manual limitation of grading requirements, which limit disturbed soil area to 100 acres, unless expansion of a disturbed area is specifically approved by the Director of Public Works. With any phasing resulting from this limitation, if required, the Project applicant shall provide, to the satisfaction of the City Engineer, erosion and sediment control best management practices in areas that may not be completed, before grading of additional areas begin.

5.11-1e Hydromodification Criteria. Prior to issuance of each grading permit, the Project applicant shall comply, to the satisfaction of the City Engineer, with City hydromodification criteria or the hydromodification management plan (see Appendix H), as applicable, addressed as part of the UID SPA Plan concurrent with grading and improvement plans for the Project.

5.11-1f Outfall Erosion. Prior to issuance of each grading permit, the Project applicant shall monitor any erosion at the Project's outfall at the Otay River and, prior to the last building permit for the Project, obtain approval for and complete any reconstructive work necessary to eliminate any existing erosion and prevent future erosion from occurring, all to the satisfaction of the Development Services Director.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.11-1a through 5.11-1f are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Erosion or Siltation

The Project includes features and would implement BMPs to reduce the amount and rate of runoff to a less than significant level; however, these features are also prescribed as mitigation measures to assure implementation and facilitate monitoring through buildout of the Project.

Explanation

The proposed Project would alter the existing drainage pattern on the site, which currently drains southward into the Otay River and Lower Otay Lake. The Otay River continues generally west from the Project site area for approximately eight miles and enters San Diego Bay, while Lower Otay Lake provides surface water storage and outlets to the Otay River southeast of the Project site. Project implementation would result in some modification of the existing on-site drainage patterns and directions through proposed grading and construction. Specifically, Project development would include a series of storm drain facilities to capture, regulate and convey flows within and through the site. Post-development flows from the Project site would mimic existing conditions to the extent feasible, with overall runoff patterns and directions maintained and off-site flows continuing to drain generally south to Otay River and east to Lower Otay Lake. Drainages serving the Project site would be susceptible to increased erosion resulting from increased peak flow rates, increased runoff volumes, and duration, which would result in a potentially significant impact and mitigation is required.

Mitigation Measures

Implementation of mitigation measures 5.11-1a through 5.11-1f, above, would also reduce impacts related to soil erosion and siltation.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.11-1a through 5.11-1f are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Surface Runoff

Impacts associated with altering the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-the site would be potentially significant.

Explanation

The Project site includes mostly permeable surfaces and would result in impervious urban development that would substantially change the amount of impervious surface area within the Project site. Therefore, drainages serving the Project site would experience an increase in peak flow rates and increased runoff volumes, which could result in a potentially significant flooding impact.

Mitigation Measures

Implementation of mitigation measures 5.11-1a through 5.11-1f, above, would also reduce impacts related to surface runoff.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.11-1a through 5.11-1f are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Exceed Drainage Capacity

Impacts associated with creating or contributing runoff water would potentially exceed the capacity of existing storm water drainage systems if the proposed drainage features are not implemented.

Explanation

A drainage system has been designed for the Project with the capacity to convey post-Project flows during the 100-year storm event and includes energy dissipaters to minimize the potential for erosion. The Project would not result in an increase in siltation or erosion because of increased flows to Otay River. The Project would not result in runoff water that would exceed the capacity of drainage systems. Even though the Project includes features to reduce the amount and rate of runoff to a less than significant level, these features are also prescribed as mitigation measures to assure implementation and facilitate monitoring through buildout of the Project.

Mitigation Measures

Implementation of mitigation measures 5.11-1a through 5.11-1f, above, would also reduce impacts related to drainage capacity.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.11-1a through 5.11-1f are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Degradation of Water Quality

Implementation of the Project would result in potentially significant impacts related to the generation of pollutants or runoff that would degrade water quality.

Explanation

The BMPs proposed in the water quality technical report would ensure that runoff associated with development of infrastructure and mass grading of the site would not result in a substantial source of polluted runoff that would degrade water quality. The proposed drainage system would not result in an increase in erosion or siltation off site. However, supplemental water quality studies are required to identify which site-specific BMPs identified in the water quality technical report would be necessary for individual development projects to comply with the manual. Therefore, impacts related to water quality would be potentially significant.

Mitigation Measures

Implementation of mitigation measures 5.11-1a through 5.11-1f, above, would also reduce impacts related to the degradation of water quality.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.11-1a through 5.11-1f are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Impact: Inundation

Impacts related to landslide hazards (which include mudflows) are potentially significant.

Explanation

The Project has the potential to result in related to landslide hazards (which include mudflows) and would include standard efforts such as removal of landslide deposits and replacement with engineered fill, placement of buttress fills, or a combination of these efforts based on applicable industry/regulatory standards, recommendations from the Project Geotechnical Evaluation, and pertinent updates from subsequent (and required) detailed geotechnical investigation.

Mitigation Measures

Implementation of mitigation measures 5.8-1a through 5.8-1c, above, would also reduce impacts related to inundation from mudflows.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.11-1a through 5.11-1f are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Agricultural Resources

Thresholds of Significance

The Project would result in a significant impact to agricultural resources if it would:

- Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use.

Impact: Direct Conversion of Agricultural Resources (Short-Term)

Short-term land use incompatibility issues from proposed agricultural activities associated with the university, which would be located adjacent to urban land uses, would be significant.

Explanation

Proposed agricultural activities on the site related to educational crop production associated with future university uses could result in land use conflicts between agricultural land uses and proposed urban land uses within the UID. Agricultural incompatibilities were associated with noise, odor, rodents, and chemical applications and identified as a short-term impact in the 1993 Otay Ranch GDP Program EIR. As a result, conflicts could occur upon implementation of UID SPA Plan development

because some agricultural activities would be permitted. Accordingly, short-term land use incompatibility issues from proposed agricultural activities associated with the university would occur.

Mitigation Measures

5.12-1 Agriculture Plan. The Agriculture Plan included in the SPA Plan shall be implemented as development proceeds within the UID to ensure compatibility between university-related crop production for research and small-scale production. The following measures shall be implemented to the satisfaction of the Chula Vista Development Services Director (or their designee):

i. Prior to approval of each building permit, the applicant shall ensure that a 200-foot-wide fenced buffer shall be maintained between development and any university-related agricultural operations on the UID site.

ii. In those areas where pesticides are to be applied, the university shall utilize vegetation to shield adjacent urban development (within 400 feet) from agricultural activities. Use of pesticides shall comply with federal, state, and local regulations.

iii. The applicant shall notify adjacent property owners of potential pesticide application through advertisements in newspapers of general circulation.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.12-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts related to the direct conversion of agricultural resources in the short-term to a less than significant level.

Hazards and Hazardous Materials

Thresholds of Significance

The Project would result in a significant impact to hazards and hazardous materials if it would:

- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, a significant hazard to the public or the environment is created.

- Be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, public use airport, or private airstrip, and result in a safety hazard for people residing or working in the Project area.

Impact: Accidental Release of Hazardous Materials

Impacts related to the routine use and accidental release of hazardous materials have been identified for the Project and are considered to be potentially significant.

Explanation

A testing program for residual concentrations of OCPs in on-site soils was conducted and observed OCP concentrations were concluded to be at least two orders of magnitude below the California Human Health Hazard Screening Levels for residential use, with the Project HMTS concluding that residual OCP levels do not represent an environmental concern to the Project area.

Mitigation Measures

5.13-1 Hazardous Risk Reduction Measures. Prior to the issuance of any grading permit for the UID, the applicant shall verify that the applicable recommendations in the Hazardous Materials Technical Study prepared by Ninyo & Moore, dated September 4, 2014, have been incorporated into the final Project design and construction documents to the satisfaction of the City of Chula Vista Engineer. These requirements include the following:

- A Site Safety Plan shall be prepared and implemented prior to initiation of construction activities within the boundaries of the Project area to reduce potential health and safety hazards to construction workers and the public.

- Appropriate references regarding the potential to encounter contaminated soil, illegal dumping, burn sites, and USTs shall be included in construction specifications. In the event that USTs or undocumented areas of contamination (including lead-based painted [LBP] and treated wood) are encountered during construction activities, work shall be ceased until appropriate health and safety procedures are implemented and appropriate notifications are made. A contingency plan shall be prepared to address contractor procedures for such an event, including a determination of whether regulatory notification is required. The associated remediation and removal activities shall be conducted by trained, licensed/certified personnel, and in accordance with pertinent local, state, and federal regulatory guidelines, under the oversight of the appropriate regulatory agency.

- If any USTs are encountered during construction, construction activities in the immediate area of the UST shall cease until the UST can be removed under permit by the DEH and other regulatory agency, as appropriate. The soil and groundwater within the vicinity of the USTs should be adequately characterized and remediated, if necessary, to a standard that would be protective of water quality and human health, based on future site use.

- During construction activities, it may be necessary to excavate existing soil, or to bring fill soils to the Project area from off-site locations. If soil contamination is suspected during construction, sampling shall be performed in those areas. Prior to any excavation or removal of contaminated soil not suitable for on-site reuse, it shall be properly characterized for disposal at an off-site facility. Fill soils also shall be evaluated or sampled to document that imported soil does not contain unacceptable concentrations of contamination. If potentially hazardous waste is observed in the Project area (e.g., from illegal dumping), the waste should be appropriately disposed of prior to initiating construction activities.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.13-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Hazards to Schools

Impacts related to hazards to schools have been identified for the Project and are considered to be potentially significant.

Explanation

The Project site encompasses the existing High Tech K-12 School campus along Hunte Parkway, and other areas of the site include proposed school-related uses associated with university development. The Project would entail the routine use, handling, storage, transportation, and disposal of hazardous materials and wastes.

Mitigation Measures

Implementation of mitigation measure 5.13-1, above, would also reduce impacts related to hazardous impacts on schools.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically,

mitigation measure 5.13-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Existing Hazardous Materials Sites

Impacts related to listed hazardous sites have been identified for the Project and are considered to be potentially significant.

Explanation

While the Project site is not a listed site as a whole, potential impacts related to listed and potential hazardous material sites and related hazards as described are considered to be potentially significant.

Mitigation Measures

Implementation of mitigation measure 5.13-1, above, would also reduce impacts related to hazardous materials sites.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.13-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

Impact: Airport Hazards

Potentially significant impacts could result due to the Project's location within the Overflight Notification Area for both Brown Field and Tijuana International Airport.

Explanation

Portions of the Project site are within the Overflight Notification Area for both Brown Field and the Tijuana International Airport. This designation, however, does not include any development restrictions, but requires notification to potential buyers that the property is within an overflight area.

Mitigation Measures

5.13-2a Airport Overflight Agreement. Prior to approval of the first Final Map for those areas within the Overflight Notification Area for Brown Field, the applicant shall record the Airport Overflight Agreement with the County Recorder's office, and provide a signed copy of the recorded Airport Overflight Agreement to the City's Development Service Director (or their designee).

5.13-2b Notice to Potential Buyers. The Project applicant will provide notification to potential buyers of properties within the Overflight Notification Area for Brown Field and/or the Tijuana International Airport.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.13-2a and 5.13-2b are feasible and shall be required as conditions of approval and made binding on future project applicants. Implementation of these mitigation measures would reduce significant direct impacts to a less than significant level.

Public Utilities

Thresholds of Significance

The Project would result in a significant impact to public utilities if it would:

- Result in a determination by the wastewater treatment provider, which serve or may serve the Project, that it has inadequate capacity to serve the Project's projected demand in addition to the providers existing commitments.

Impact: Adequate Wastewater Facilities

The approximately 1.074 million gallons per day (mgd) generated by the Project is within the City's remaining capacity of 4.664 mgd; however, the capacity of the Salt Creek Interceptor has been identified as deficient and the City's sewer system may reach capacity prior to buildout of the proposed Project. If adequate sewer facilities are not provided concurrently with demand, a significant impact would occur. Impacts are considered to be significant.

Explanation

Chula Vista has wastewater treatment capacity rights of 20.864 mgd in the Metro system. According to the Sewer Study prepared for the Project, current flows in the City average about 16.2 mgd, resulting in a remaining capacity of about 4.664 mgd in the Metro system. Therefore, Chula Vista currently has adequate capacity to serve the Project's direct impact on wastewater demand. According to the 2015 GMOC, buildout of the General Plan, as amended in 2013, would require an additional 9.026 mgd beyond of capacity above current capacity rights. Future wastewater projections for the UID from 2010 (documented in the Salt Creek Interceptor Technical Sewer Study) were estimated at 1.125 mgd, which is about 0.051 mgd more than what is currently estimated for the UID. However, the 2010 Salt Creek Interceptor Technical Sewer Study also stated that increased flow projections from the UID, along with Village 10, are assumed to drain into an identified deficiency located within Salt Creek, south of the Otay Lake, and that future projects should be conditioned at the tentative map stage

related to required improvements to the Salt Creek Interceptor. The 2010 study also stated that as development in the UID proceeds, it is recommended that the Salt Creek Sewer System be further investigated to ensure that UID flows would be accommodated. Therefore, the development included in the UID SPA Plan has the potential to exceed the capacity of the Salt Creek Interceptor and result in an increased demand in addition to the provider's existing commitments.

Mitigation Measures

5.15.2-1 Sewer System Improvements. Prior to the issuance of any building permits for the UID, the City Engineer shall verify that adequate on-site and off-site sewer facilities required to serve development in the UID are in place in accordance with the UID Public Facilities Finance Plan. Occupancy of buildings shall not be permitted unless it is demonstrated that on-site and off-site sewer facilities are adequate in capacity to serve the Project.

If the Project will contribute to a deficiency in the capacity of the sewer system, the Project applicant shall pay its fair share of fees to increase the capacity to an adequate size.

Finding

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.15.2-1 is feasible and shall be required as a condition of approval and made binding on future project applicants. Implementation of this mitigation measure would reduce significant direct impacts to a less than significant level.

SIGNIFICANT AND UNAVOIDABLE DIRECT IMPACTS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological, or other benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The Project will implement mitigation measures to reduce significant environmental changes to a less than significant level for all issues except for the following, which would result in significant and unmitigable direct impacts: aesthetics/landform modification (scenic vistas and visual character and quality), air quality (air quality violations), agricultural resources (direct conversion of agriculture), and public utilities (wastewater). No significant and unavoidable indirect effects were identified in the Final EIR. A brief summary of each environmental topic that would result in a significant and unavoidable direct impact is provided below. Cumulative impacts associated with these issues are discussed in Section X, below.

Aesthetics/Landform Modification

Approval of the Project would result in significant and unavoidable direct impacts to scenic vistas and visual character and quality because the Project would permanently alter the character of the Project site from open, rolling hills to an urban environment.

Air Quality

Approval of the Project would result in significant and unavoidable direct impacts to air quality violations. Specifically, Project operational emissions would exceed the daily regional thresholds for CO, VOCs, NOX, and PM10. Emissions are attributable primarily to vehicular trips, which would exceed the thresholds for VOCs, NOX, and CO. However, area sources would also result in significant emissions of VOCs from consumer products and landscaping. Energy source emissions would combine with mobile source emissions to result in significant emissions of PM10.

Agricultural Resources

The incremental loss of agricultural lands (farmland of local importance, grazing land), which was considered a significant impact in the 1993 Otay Ranch GDP Program EIR, remains significant. No mitigation measures are available to reduce this impact to below a level of significance. This incremental loss remains significant and unavoidable.

Public Utilities

The Project would require sewage treatment beyond the City's existing wastewater treatment capacity rights and allocated additional treatment capacity. Additional capacity would need to be acquired from San Diego Metropolitan Sewer Authority or other sources to support treatment needs through the year 2050. The means by which additional treatment capacity would be acquired is unknown and could include the acquisition of available sewerage treatment capacity from another participating agency, including the City of San Diego, or the construction of new treatment facilities. As the location and scope of construction of future expanded or newly developed treatment facilities is unknown, the development treatment capacity beyond the City's existing and allocated capacity may result in significant and unavoidable impacts.

DETAILED ISSUES DISCUSSION FOR SIGNIFICANT AND UNAVOIDABLE DIRECT IMPACTS

The Project would result in significant and unavoidable direct impacts to aesthetics/ landform modification (scenic vistas and visual character and quality), air quality (air quality violations), agricultural resources (direct conversion of agriculture), and public utilities (wastewater). A discussion of the impacts for these issue areas is provided below.

Aesthetics/Landform Modification

The Project would result in a significant impact to aesthetics/landform modification if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially degrade the existing visual character or quality of the site and its surroundings.

Impact: Scenic Vistas

Implementation of the Project would result in a direct significant impact to southern-facing views of Otay Mountain from along Hunte Parkway near the High Tech K-12 school. Due to the availability of views to students, employees, parents, and other visitors to the High Tech K-12 school and the extensive background views of portions of Otay Mountain (a major visual element identified in the in the Otay Ranch GDP), obstruction of these existing views as a result of the Project is considered a significant direct impact.

Explanation

Implementation of the Project would consist of a mixture of development (e.g., buildings up to 50 feet in height within Transect 3: Campus Commons), roadways, common space, and conservation areas that would mostly restrict views of Otay Mountain from along Hunte Parkway near the High Tech K-12 school. Hunte Parkway is a designated Scenic Roadway, including the portion that occurs along the northern Project boundary of the Main Campus Property. Also, Otay Mountain is identified in the Otay Ranch GDP as a prominent peak in the area and the GDP aims to preserve views of major physical features. Due to the length of existing views from along Hunte Parkway near High Tech K-12 school, foreground, middleground, and background views would be noticeably different with the Project. Project implementation would replace an undeveloped and unmodified terrain and direct and unobstructed views onto Otay Mountain would be replaced with urban development and multi-story buildings. A pavilion feature would be located directly to the east, would be up to 50 feet in height, and would include up to 5,000 square feet of developed area. Therefore, because development associated with the Project would preclude views of Otay Mountain (a prominent visual peak identified in the GDP) from Hunte Parkway (a designated Scenic Roadway) that are experienced by users and visitors at High Tech K-12 school, impacts would be significant. Because scenic views would be permanently impacted, impacts would remain significant and unavoidable.

Mitigation Measures

(Incorporated from the 2005 GPU EIR and 2013 SEIR)

5.2.5-1: Within the East Planning Area, prior to approval of grading plans, the applicant shall prepare grading and building plans that conform to the landform grading guidelines

contained in the grading ordinance, Otay Ranch GDP, and General Plan. The plans shall be prepared to the satisfaction of the Director of Development Services and the City Engineer. These plans and guidelines shall provide the following that serve to reduce the aesthetic impacts:

- A landscape design that addresses streetscapes, provides landscape intensity zones, greenbelt edge treatments, and slope treatment for erosion control.
- Grading concepts that ensure manufactured slopes that are contoured and blend and mimic with adjacent natural slopes.
- Landscaping concepts that provide for a transition from the manicured appearance of developed areas to the natural landscape in open space areas.
- Landscaping concepts that include plantings selected to frame and maintain views.

Finding

While mitigation measure 5.2.5-1 from the 2005 GPU EIR and 2013 SEIR is feasible and shall be required as a condition of approval and made binding on future project applicants, it would not substantially lessen the significant environmental effect as identified in the Final EIR. Because the Project would result in development on the site that would permanently alter scenic views of Otay Mountain from a Scenic Roadway (Hunte Parkway), only implementation of the No Project (No Build) Alternative would reduce this impact to below a level of significance. Pursuant to section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible. Adoption of the No Project (No Build) Alternative would not achieve any of the objectives of the Project.

Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to scenic vistas to below a level of significance, impacts would remain significant and unmitigated. Adoption of the Statement of Overriding Consideration included in these Findings is required should the decision makers choose to approve the Project.

Impact: Visual Character or Quality

Implementation of the Project would permanently alter the character of the Project site from open, rolling topography to urban development.

Explanation

The SEIR for the GPA/GDPA identified a significant impact to visual character as a result of development of the land uses proposed in the GPA. The SEIR identified mitigation measure 5.2.5-1 from the 2005 GPU EIR to reduce impacts related to visual character. The mitigation measure consists of requirements for building and grading plans to protect visual character to the extent feasible. The proposed SPA Plan for the

UID would implement the requirements of SEIR mitigation measure 5.2.5-1, including a grading plan in conformance with the city grading ordinance; grading standards that ensure manufactured slopes are contoured, blend, and mimic with adjacent natural slopes; and landscape performance standards and landscape plans that maintain views, are consistent with open space areas, and addresses streetscapes, provides landscape intensity zones, greenbelt edge treatments, and slope treatment for erosion control. The Project would implement development standards and community design guidelines to protect visual quality and comply with mitigation measure 5.2.5-1. However, consistent with the conclusion of the 2013 SEIR, because the Project would permanently alter the character of the Project site from open rolling hills to development, impacts would be significant and unavoidable.

Mitigation Measures

Implement mitigation measure 5.2.5-1 from the 2005 GPU EIR and 2013 SEIR, which is included above under this section for *Aesthetics/Landform Modification*.

Finding

While mitigation measure 5.2.5-1 from the 2005 GPU EIR and 2013 SEIR is feasible and shall be required as a condition of approval and made binding on future project applicants, it would not substantially lessen the significant environmental effect as identified in the Final EIR. Because the Project would result in development on the site that would permanently alter views of undeveloped rolling hills, only implementation of the No Project (No Build) Alternative would reduce this impact to below a level of significance. Pursuant to section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible. Adoption of the No Project (No Build) Alternative would not achieve any of the objectives of the Project.

Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to scenic vistas to below a level of significance, impacts would remain significant and unmitigated. Adoption of the Statement of Overriding Consideration included in these Findings is required should the decision makers choose to approve the Project.

Air Quality

Thresholds of Significance

The Project would result in a significant impact to air quality if it would:

- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impact: Air Quality Violations

The proposed Project would exceed regional thresholds for emissions during operation.

Explanation

Implementation of the Project would result in exceeding daily regional thresholds for CO, VOCs, NOX, and PM_{10} during operation of the Project. Emissions are attributable primarily to vehicular trips; however, area sources would also result in significant emissions of VOCs from consumer products and landscaping. Energy source emissions would combine with mobile source emissions to result in significant emissions of PM_{10}.

Mitigation Measures

All applicable measures have already been incorporated into the UID SPA Plan, such as provision of bike lanes, providing services near residences, and providing transit support facilities such as bus stops, as listed in the Project Description. There are no other feasible mitigation measures available at the Project level to reduce vehicular emissions other than reducing vehicle trips. Some reduction in trips has already been achieved due to the inclusion of mixed-use areas, the availability of transit, and the availability of pedestrian and bicycle facilities proposed as part of the UID SPA Plan. In addition, future vehicular emissions may be lower than estimated due to increasingly stringent California fuel efficiency requirements. There are no other feasible mitigation measures available at the Project level to reduce vehicular emissions. Additionally, there are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Operation emissions of VOCs, NOx, CO, and PM10 would be significant and unavoidable.

While implementation of the Reduced Project Alternative would reduce this impact compared to the Project, because less development would occur, it would not reduce construction or operational emissions to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to air quality to below a level of significance, impacts to air quality would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the Project.

Finding

All applicable measures have already been incorporated into the UID SPA Plan, such as provision of bike lanes, providing services near residences, and providing transit support facilities such as bus stops, and are accounted for in the projected average daily trips for the Project. There are no other feasible mitigation measures available at the Project level to reduce vehicular emissions other than reducing vehicle trips. There are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Therefore,

because the Project would result in development on the site that would generate additional vehicular emissions, only implementation of the No Project (No Build) Alternative would reduce this impact to below a level of significance. Pursuant to section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible. Adoption of the No Project (No Build) Alternative would not achieve any of the objectives of the Project.

Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to air quality violations to below a level of significance, impacts would remain significant and unmitigated. Adoption of the Statement of Overriding Consideration included in these Findings is required should the decision makers choose to approve the Project.

Agricultural Resources

Thresholds of Significance

The Project would result in a significant impact to agricultural resources if it would:

- Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use.

Impact: Direct Conversion of Agricultural Resources (Long-Term)

Implementation of the Project would result in a significant impact to agricultural resources, due to the on-site loss of farmland of local importance and grazing land.

Explanation

The proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. However, the proposed Project would convert farmland of local importance and grazing land to urban land uses. Although the Project area is no longer used for crops because of the lack of reliable and affordable water, the loss would contribute to an incremental loss of farmland of local importance and grazing land.

Mitigation Measures

Implementation of mitigation measure 5.12-1, above, would also reduce impacts related to the conversion of farmland of local importance and grazing land; however, no mitigation measures are available to reduce the proposed Project’s impact on farmland of local importance and grazing land to below a level of significance.

Finding

Placing agricultural easements or restrictions on new parcels is possible, but would not feasibly result in the economical use or operation of other agricultural lands due to high land costs, high water and labor costs, restrictive water use regulations, restrictive environmental regulations related to air quality and use of pesticides, agricultural competition from other parts of the State and from foreign countries, and the likelihood of incompatibility with other existing and planned land uses due to growing urbanization within the Otay Ranch area. Also, restriction of other properties to agricultural or farmland uses would not facilitate the achievement of City objectives to provide sufficient housing units to meet identified housing needs and obligations, to improve the existing jobs/housing balance, to increase property values and related property-based municipal revenues, and to preserve biological habitat and open space. Further, there are no fee-based programs in the City that would facilitate the purchase of economically viable farmland resources based on the cost and regulatory factors.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to agricultural resources to below a level of significance, impacts would remain significant and unmitigated. Adoption of the Statement of Overriding Considerations included in these Findings is required should the decision makers choose to approve the Project.

Public Utilities

Thresholds of Significance

The Project would result in a significant impact to public utilities if it would:

- Require the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of would cause significant environmental effects.

Impact: New Wastewater Treatment Facilities

Implementation of the Project would result in a potentially significant environmental impact associated with construction of new or expanded treatment facilities.

Explanation

The Project could require sewage treatment capacity beyond the City's existing wastewater treatment capacity rights and allocated additional treatment capacity. Implementation of respective General Plan policies would ensure that treatment capacity would be provided by the City; however, the means by which additional treatment capacity would be acquired is unknown. The City's options include the acquisition of treatment capacity from a San Diego Metropolitan Sewer Authority member agency, including the City of San Diego, or construction of a Chula Vista treatment facility. Final determination on the means by which additional treatment capacity would be acquired has not yet been made.

Mitigation Measures

The means by which additional capacity is obtained from the San Diego Metropolitan Sewer Authority or other sources to support treatment city-wide is unknown at this time; therefore, necessary mitigation measures cannot be determined.

Finding

Implementation of applicable General Plan policies would ensure that treatment capacity would be provided by the City; however, the means by which additional treatment capacity would be acquired is unknown at this time. The City's options include the acquisition of treatment capacity from a San Diego Metropolitan Sewer Authority member agency, including the City of San Diego, or construction of a Chula Vista treatment facility. Final determination on the means by which additional treatment capacity would be acquired has not yet been made. As the location and scope of construction for any newly developed treatment facility are unknown, and the development of treatment capacity beyond the City's existing and allocated capacity may result in impacts on the environment, it is conservatively concluded that a potentially significant environmental impact associated with construction of new or expanded treatment facility may occur.

Because there are no feasible mitigation measures within the control of the City at this time to reduce impacts to new or expanded wastewater treatment facilities to below a level of significance, direct impacts would remain significant and unmitigated. Adoption of the Statement of Overriding Considerations included in these Findings is required should the decision makers choose to approve the Project.

X. SIGNIFICANT CUMULATIVE EFFECTS AND MITIGATION MEASURES

SUMMARY OF EFFECTS

Cumulative impacts are those which "are considered when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects" (Pub. Resources Code Section 21082.2 Subd. (b)). These "current or probably future" development proposals can affect many of the same natural resources and public infrastructure as the development of the Project. Potentially significant cumulative impacts are associated with development of the Project in conjunction with those projects specifically within the Project area. A detailed discussion of cumulative impacts is included in Section 6.0 of the Final EIR.

In formulating mitigation measures for the Project, regional issues and cumulative impacts have been taken into consideration. The Project, along with other related projects, will result in a cumulatively considerable contribution to significant environmental changes related to aesthetics/landform modification, air quality, and agricultural resources.

CUMULATIVE IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City, having reviewed and considered the information contained in the EIR, the appendices to the EIR, and the administrative record, finds the Project would mitigate, avoid, or substantially lessen to below a level of significance impacts related to transportation/traffic, noise, biological resources, paleontological resources, and public services. A brief summary of each environmental topic that would be mitigated to below a level of significance in the cumulative scenario is provided below.

Transportation/Traffic

Cumulative traffic impacts were identified at 15 intersections and 6 roadway segments in 2020, 17 intersections and 7 roadway segments in 2025, and at 8 intersections and 6 roadway segments in 2030. Cumulative impacts were identified in the City of Chula Vista, City of San Diego, County of San Diego, and within Caltrans' jurisdiction.

Noise

Cumulative noise levels with the Project at the proposed locations of residences, parks, schools, and offices would potentially exceed the Chula Vista noise compatibility standards along Main Street and Hunte Parkway. Also, commercial equipment, including HVAC systems, would contribute to noise levels that exceed City standards, which may affect neighboring projects.

Biological Resources

Absent mitigation, implementation of the UID SPA Plan would contribute to the loss of biological resources within the Otay Ranch and Chula Vista Subarea.

Paleontological Resources

Because the extent of potential paleontological resources is unknown at this time, cumulative impacts are concluded to be significant. Geological formations underlying the Project area and off-site improvement area have been identified as having high sensitivity for paleontological resources. Ground-disturbing activities would have the potential to encounter paleontological resources.

Public Services

Absent mitigation, implementation of the UID SPA Plan would contribute to the incremental increase in demand for public services within the City.

DETAILED ISSUES DISCUSSION FOR CUMULATIVE IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

Transportation/Traffic

Cumulative Impact: Traffic and Level of Service and Congestion Management

The proposed Project and cumulative growth would result in an increase in regional traffic that would cause study area intersections and roadway segments to operate at a deficient level of service.

Explanation

Year 2020 Plus Project (Intersections). Under the Year 2020 Plus Project scenario, the following intersections would experience cumulative impacts from implementation of the Project:

- Telegraph Canyon Road/Paseo Ranchero (City of Chula Vista)
- Telegraph Canyon Road/Otay Lakes Road/La Media Road (City of Chula Vista)
- East Palomar Road/Heritage Road (City of Chula Vista)
- East Palomar Road/La Media Road (City of Chula Vista)
- Olympic Parkway/I-805 Southbound Ramps (City of Chula Vista)
- Olympic Parkway/I-805 Northbound Ramps (City of Chula Vista)
- Olympic Parkway/Oleander Avenue (City of Chula Vista)

- Olympic Parkway/Brandywine Avenue (City of Chula Vista)
- Olympic Parkway/Heritage Road (City of Chula Vista)
- Main Street/I-805 Southbound Ramps (City of Chula Vista)
- Main Street/I-805 Northbound Ramps (City of Chula Vista)
- Main Street/Brandywine Avenue (City of Chula Vista)
- Palm Avenue/I-805 Southbound Ramps (City of San Diego/Caltrans)
- Palm Avenue/I-805 Northbound Ramps (City of San Diego/Caltrans)
- Avenida De Las Vistas/Heritage Road (City of San Diego)

Year 2020 Plus Project (Roadway Segments). Under the Year 2020 Plus Project scenario, the following roadway segments would experience cumulative impacts from implementation of the Project:

- Telegraph Canyon Road, from Paseo Ladera to Paseo Ranchero (City of Chula Vista)
- Otay Lakes Road, from Bonita Road to East H Street (City of Chula Vista)
- Otay Lakes Road, from East H Street to Telegraph Canyon Road (City of Chula Vista)
- Main Street, from Hilltop Drive to Melrose Avenue (City of Chula Vista)
- Main Street, from Melrose Avenue to I-805 (City of Chula Vista)
- Eastlake Parkway, from Otay Lakes Road to Olympic Parkway (City of Chula Vista)

Year 2025 Plus Project (Intersections). Under the Year 2025 Plus Project scenario, the following intersections would experience cumulative impacts from implementation of the Project:

- Telegraph Canyon Road/Paseo Ladera (City of Chula Vista)
- Telegraph Canyon Road/Paseo Ranchero (City of Chula Vista)
- Telegraph Canyon Road/Otay Lakes Road/La Media Road (City of Chula Vista)
- East Palomar Road/Heritage Road (City of Chula Vista)
- East Palomar Road/La Media Road (City of Chula Vista)

- Olympic Parkway/I-805 Southbound Ramps (City of Chula Vista)
- Olympic Parkway/I-805 Northbound Ramps (City of Chula Vista)
- Olympic Parkway/Oleander Avenue (City of Chula Vista)
- Olympic Parkway/Brandywine Avenue (City of Chula Vista)
- Olympic Parkway/Heritage Road (City of Chula Vista)
- Olympic Parkway/La Media Road (City of Chula Vista)
- Main Street/Melrose Avenue (City of Chula Vista)
- Main Street/I-805 Southbound (City of Chula Vista)
- Main Street/I-805 Northbound (City of Chula Vista)
- Main Street/Brandywine Avenue (City of Chula Vista)
- Palm Avenue/I-805 Southbound Ramps (City of San Diego/Caltrans)
- Palm Avenue/I-805 Northbound Ramps (City of San Diego/Caltrans)
- Avenida De Las Vistas/Heritage Road (City of San Diego)
- Heritage Road/Otay Mesa Road (City of San Diego)

Year 2025 Plus Project (Roadway Segments). Under the Year 2025 Plus Project scenario, the following roadway segments would experience cumulative impacts from implementation of the Project:

- Telegraph Canyon Road, from Paseo Ladera to Paseo Ranchero (City of Chula Vista)
- Otay Lakes Road, from Bonita Road to East H Street (City of Chula Vista)
- Otay Lakes Road, from East H Street to Telegraph Canyon Road (City of Chula Vista)
- Main Street, from Hilltop Drive to Melrose Drive (City of Chula Vista)
- Main Street, from Melrose Avenue to I-805 (City of Chula Vista)
- Main Street, from Oleander Avenue to Brandywine Avenue (City of Chula Vista)
- Eastlake Parkway, from Otay Lakes Road to Olympic Parkway (City of Chula Vista)

Year 2030 Plus Project (Intersections). Under the Year 2030 Plus Project scenario, the following intersections would experience cumulative impacts from implementation of the Project:

- Telegraph Canyon Road/Paseo Ranchero (City of Chula Vista)
- Birch Road/La Media Road (City of Chula Vista)
- Main Street/I-805 Southbound Ramps (City of Chula Vista)
- Palm Avenue/I-805 Southbound Ramps (City of San Diego/Caltrans)
- Palm Avenue/I-805 Northbound Ramps (City of San Diego/Caltrans)
- Bonita Road/San Miguel Road (San Diego County)
- Avenida De Las Vistas/Heritage Road (City of San Diego)
- Heritage Road/Otay Mesa Road (City of San Diego)

Year 2030 Plus Project (Roadway Segments). Under the Year 2030 Plus Project scenario, the following roadway segments would experience cumulative impacts from implementation of the Project:

- Telegraph Canyon Road, from Paseo Ladera to Paseo Ranchero (City of Chula Vista)
- Otay Lakes Road, from East H Street to Telegraph Canyon Road (City of Chula Vista)
- Main Street, from Hilltop Drive to Melrose Drive (City of Chula Vista)
- Main Street, from Melrose Avenue to I-805 (City of Chula Vista)
- Main Street, from Brandywine Avenue to Heritage Road (City of Chula Vista)
- Eastlake Parkway, from Otay Lakes Road to Olympic Parkway (City of Chula Vista)

Mitigation Measures

Mitigation measures 5.3-1 through 5.3-24 would mitigate impacts related to level of service standards and congestion management.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the

significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.3-1 through 5.3-24 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures would reduce the Project's contribution to a significant cumulative impact related to traffic level of service standards to a less than significant level.

Noise

Cumulative Impact: Excessive Noise Levels

Cumulative noise levels with the Project would potentially exceed the Chula Vista noise compatibility standards along Main Street and Hunte Parkway. Also, commercial equipment, including HVAC systems, would contribute to noise levels that exceed City standards, which may affect neighboring projects.

Explanation

The Project would be adjacent to future development proposed in the GDP to the north by the Millenia development, to the west by Village 9, and to the south by Village 10. According to the GDP, these villages would be developed with residential and commercial land uses, including commercial, residential, and parkland development. Commercial equipment, including HVAC systems, would contribute to noise levels that exceed City standards, which may affect neighboring projects. Therefore, a potentially significant cumulative impact could occur.

Mitigation Measures

Mitigation measures 5.5-1a through 5.5-1e would reduce cumulative noise impacts to comply with City standards.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that will substantially lessen or avoid the significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.5-1a through 5.5-1e are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures would reduce the Project's contribution to a significant cumulative impact related to excessive noise levels to a less than significant level.

Biological Resources

Cumulative Impact: Sensitive Plant and Wildlife Species, Riparian Habitat and Other Sensitive Natural Communities, Federally Protected Wetlands, and Local Policies and Ordinances

Implementation of the Project would contribute to the loss of biological resources within the Otay Ranch and Chula Vista MSCP Subarea.

Explanation

The Otay Ranch PEIR identified significant unavoidable impacts to biological resources in Otay Ranch due to loss of raptor foraging habitat. Subsequent to the certification of the PEIR and adoption of the Otay Ranch GDP, the City adopted the Chula Vista MSCP Subarea Plan. The MSCP planning program provided for mitigation of cumulative impacts from regional development on sensitive species and their habitats on a regional basis, including raptor forage habitat. As such, a cumulatively considerable impact would occur if a Project would be inconsistent with the Chula Vista MSCP Subarea Plan. Implementation of the proposed Project would result in impacts to sensitive plant and wildlife species, riparian habitat and other sensitive natural communities, and federally protected wetlands, which would be considered cumulatively considerable if impacts are not mitigated consistent with MSCP requirements.

Mitigation Measures

Mitigation measures 5.6-1 through 5.6-12 would ensure compliance with the MSCP Subarea Plan.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.6-1 through 5.6-12 are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures would reduce the Project's contribution to a significant cumulative impact related to biological resources to a less than significant level.

Cultural and Paleontological Resources

Cumulative Impact: Paleontological Resources

Cumulative buildout would result in an increased probability of disturbance to paleontological resources causing potentially significant cumulative impacts.

Explanation

Cumulative buildout would result in an increased probability of disturbance to paleontological resources causing potentially significant cumulative impacts. However, this could be a positive effect of development due to fact that the discoveries of paleontological resources contribute to important scientific information about the natural history in southwestern San Diego County. Geological formations underlying the Project area and off-site improvement areas have been identified as having high sensitivity for paleontological resources. Therefore, the Project could result in significant impacts to sensitive paleontological deposits if unknown paleontological resources are uncovered and not properly recovered.

Mitigation Measures

Mitigation measures 5.7-3a through 5.7-3d would reduce Project-related impacts to paleontological resources.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.7-3a through 5.7-3d are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures would reduce the Project's contribution to a significant cumulative impact related to paleontological resources to a less than significant level.

Public Services

Cumulative Impact: Fire and Emergency Medical Services

The Project's increase in demand for fire and emergency medical services would be significant if fully operational and appropriately equipped and staffed fire stations are not provided commensurate with the demand for fire and emergency medical services.

Explanation

Implementation of the Project in combination with cumulative development in the City would result in an increased demand for fire and emergency medical services. If growth would outpace the CVFD's ability to expand and serve new development, a cumulative impact would occur. However, Section 19.09 (Growth Management) provides policies and programs that tie the pace of development to the provision of public facilities and improvements. Section 19.09.040B specifically requires that "properly equipped and staffed fire and medical shall respond to calls throughout the city within seven minutes in 80 percent of the cases." Section 19.09 also requires a PFFP and the demonstration that public services such as fire services meet the GMOC quality of life threshold standards. A Project that is consistent with the city GMO quality of life threshold standards would not result in a cumulative impact. Mitigation is required to ensure that the Project would meet the GMOC standards for fire protection, including paying its fair share of funding for public services with each building permit.

Mitigation Measures

Mitigation measures 5.9.1-1a through 5.9.1-1d would reduce Project-related impacts to fire and emergency medical services.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the

significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.9.1-1a through 5.9.1-1d are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measures would reduce the Project's contribution to a significant cumulative impact related to fire and emergency medical services to a less than significant level.

Cumulative Impact: Police Services

Implementation of the Project in combination with cumulative development in the city would result in an increased demand for police services. If growth outpaces the Chula Vista Police Department's ability to expand and serve new development a cumulative impact would occur.

Explanation

Implementation of the Project in combination with cumulative development in the City would result in an increased demand for police services. If growth outpaces the Chula Vista Police Department's ability to expand and serve new development a cumulative impact would occur. However, Section 19.09 (Growth Management) provides policies and programs that tie the pace of development to the provision of public facilities and improvements. Section 19.09.040A specifically requires that properly equipped and staffed police units shall respond to 81 percent of priority one emergency calls within seven minutes and maintain an average response time to all priority one emergency calls of 5.5 minutes or less. Section 19.09 also requires a PFFP and the demonstration that public services, such as police services, meet the GMOC quality of life threshold standards. A Project that is consistent with the city GMO quality of life threshold standards would not result in a cumulative impact.

Mitigation Measures

Mitigation measures 5.9.2-1a and 5.9.2-1b would reduce Project-related impacts to police services.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measures 5.9.2-1a and 5.9.2-1b are feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of these mitigation measure would reduce the Project's contribution to a significant cumulative impact related to police services to a less than significant level.

Cumulative Impact: Schools

Implementation of the Project in combination with cumulative development in the City would result in an increased demand for school services. If growth outpaces the demand for school services a cumulative impact would occur.

Explanation

Based on the projected development set forth in the GMOC forecast and current eligibility determinations by the Office of Public School Construction, the CVESD does not anticipate that additional state funding will be forthcoming for at least the next 3 to 5 years. With state funding in doubt, in addition to the increased costs associated with school construction and land acquisition, the future will be difficult insofar as new school construction projects are concerned. The UID would generate high school students that would likely attend Olympian High School, located in Village 7 less than 0.5 mile from the Project site. The district is beginning construction of high school No. 14 at the northeast corner of Eastlake Parkway and Hunte Parkway, which when completed, would be the high school for the UID. Also located within the Project site is the High Tech High K-12 School, which represents potential capacity for high school students. Overall, the district has identified the need to acquire a 25- to 50-acre site to accommodate all projected future growth and the payment of school service fees would be necessary to reduce potential impacts .

Mitigation Measures

Mitigation measure 5.9.3-1 would reduce Project-related impacts to school services.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.9.3-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure would reduce the Project's contribution to a significant cumulative impact related to school services to a less than significant level.

Cumulative Impact: Libraries

The proposed Project and cumulative development in the City would result in an increased demand for library services.

Explanation

The City's current library facilities (approximately 95,412 square feet) are currently approximately 37,188 square feet below the threshold standard. The Chula Vista Library Master Plan establishes a standard of 500 square feet of adequately equipped and staffed library facilities per 1,000 residents. Based on the projected non-student

population of 6,000 people within 2,000 market-rate units, the UID SPA Plan would generate a demand for approximately 3,000 square feet of additional library facilities within the City, which would result in a cumulative impact. Mitigation is required to ensure that payment of the PFDIF to provide the SPA Plan's fair share contribution to meet the City's threshold for library space.

Mitigation Measures

Mitigation measure 5.9.4-1 would reduce Project-related impacts to library services.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.9.4-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation measure would reduce the Project's contribution to a significant cumulative impact related to library services to a less than significant level.

Public Utilities

Cumulative Impact: Wastewater

The Project's increase in demand for wastewater facilities would be significant without mitigation because wastewater flows are presumed to drain into a deficient sewer system.

Explanation

Implementation of the Project in combination with cumulative development in the City would result in an increased demand for wastewater services. Mitigation is required to ensure that adequate wastewater facilities are in place prior to issuing grading permits for the Project.

Mitigation Measures

Mitigation measures 5.15.2-1 would reduce Project-related impacts to wastewater services.

Findings

Pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations are required in, or incorporated into, the Project that would substantially lessen or avoid the significant cumulative effect as identified in the EIR to a level of insignificance. Specifically, mitigation measure 5.15.2-1 is feasible and shall be required as a condition of approval and made binding on the applicant. Implementation of this mitigation

measure would reduce the Project's contribution to a significant cumulative impact related to wastewater services to a less than significant level.

SIGNIFICANT AND UNAVOIDABLE CUMULATIVE IMPACTS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If the specific economic, legal, social, technological, or other benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The Project would implement mitigation measures to reduce significant environmental changes to a less than cumulatively considerable level for all issues except the following, which would result in significant and unavoidable cumulative impacts: aesthetics/landform modification, air quality, cultural and paleontological resources, agricultural resources, and public utilities (wastewater). A brief summary of each environmental topic that would result in a significant and unavoidable cumulative impact is provided below.

Aesthetics/Landform Modification

The Project, in combination with the cumulative projects, would contribute to a cumulative loss of views of natural open space and loss of open, rolling topography. This impact would be cumulatively considerable and unavoidable.

Air Quality

The San Diego region is classified as a federal and/or state nonattainment area for PM_{10}, $PM_{2.5}$, and ozone. Implementation of the Project would result in significant impacts due to the potential for development within the UID SPA Plan area. Long-term emissions would exceed regional thresholds and, therefore, be cumulatively significant. The Project's incremental contribution to the long-term cumulative impact would be considerable and the impact would be significant and unavoidable.

Cultural and Paleontological Resources

The extent of potential cultural resources is unknown at this time and unknown resources are potentially located in off-site areas associated with the proposed Project. While any individual Project may avoid or mitigate the direct loss of a specific resource, the effect is considerable when considered cumulatively.

Agricultural Resources (Long-Term)

The incremental loss of farmland as a result of the Project in combination with other projects in Otay Ranch would result in a cumulatively significant impact with respect to agricultural resources. No mitigation measures are available to reduce this impact to below a level of significance without restricting the development proposed with the

Project and cumulative projects. This incremental loss remains significant and unavoidable.

DETAILED ISSUES DISCUSSION FOR SIGNIFICANT AND UNAVOIDABLE CUMULATIVE IMPACTS

Aesthetics and Landform Modification

Cumulative Impact: Scenic Vistas and Visual Character or Quality

The Project would contribute to a loss of views of natural open space and loss of open, rolling topography.

Explanation

Implementation of the Project in combination with the cumulative projects, would contribute to a cumulative loss of views from Hunte Parkway, as well as views of natural open space and loss of open, rolling topography**.**

Mitigation Measures

Mitigation measure 5.2.5-1 from the 2005 GPU EIR and 2013 SEIR would reduce cumulative impacts but not to below a level that is less than significant.

Findings

While mitigation measure 5.2.5-1 from the 2005 GPU EIR and 2013 SEIR is feasible and shall be required as a condition of approval and made binding on the applicant, it would not substantially lessen the significant environmental effect as identified in the Final EIR. Implementation of the Reduced Project Alternative would not reduce this impact compared to the proposed Project. Because the Project would result in development on the site that would permanently alter scenic views of Otay Mountain from a Scenic Roadway (Hunte Parkway) as well as partially reduce impacts associated with the permanent change of the site from open rolling hills to suburban development, only implementation of the No Project (No Build) Alternative would reduce this impact to below a level of significance. Pursuant to section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible. Adoption of the No Project (No Build) Alternative would not achieve any of the objectives of the Project. Adoption of a Statement of Overriding Consideration would be required should the decision makers choose to approve the Project.

Air Quality

Cumulative Impact: Increase of Criteria Pollutants

The Project would result in less than significant air quality impacts during construction; however, significant and unavoidable air quality impacts due to an increase of criteria pollutants would occur during operations.

Explanation

Implementation of the Project in combination with the cumulative projects, would contribute to a cumulative operational impact related to daily emissions of criteria pollutants including VOC, NO_X, CO, and PM_{10}.

Mitigation Measures

No mitigation is available to reduce this cumulatively significant impact to a less than significant level.

Findings

There are no feasible mitigation measures available to reduce this impact to below a level of significance without restricting the development proposed for the Project and cumulative development to substantially reduce daily emissions of criteria pollutants to less than significant levels. All applicable measures of previous environmental documents to reduce vehicular emissions have already been incorporated into the SPA Plan, such as provision of bike lanes, providing services near residences, and providing transit support facilities such as bus stops. The Project trip generation rates account for a reduction in vehicle trips that would occur as a result of the mixed-use areas, transit use, and availability of pedestrian and bicycle facilities proposed as part of the SPA Plan. In addition, future vehicular emissions may be lower than estimated due to increasingly stringent California fuel efficiency requirements. Some measures cannot be implemented at the SPA level, such as providing video-conference facilities in work places or requiring flexible work schedules. There are no other feasible mitigation measures available at the Project level to reduce vehicular emissions. Additionally, there are no feasible mitigation measures currently available to reduce area sources of emissions without regulating the purchases of individual consumers. Operation emissions of VOC, NO_X, CO, and PM_{10} would be significant and unavoidable.

While implementation of the Reduced Project Alternative would reduce this impact compared to the Project, it would not reduce operational emissions to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative; however, pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to criteria pollutants to below a level of significance, impacts would remain significant and unmitigated. Adoption of a

Statement of Overriding Consideration would be required should the decision makers choose to approve the Project.

Cultural and Paleontological Resources

Cumulative Impact:

The Project plus cumulative development would incrementally convert more land into developed uses, which would result in a greater potential to impact cultural resources**.**

Explanation

The continued pressure to develop or redevelop areas would result in incremental impacts to the historical record in the San Diego region. Regardless of the efforts to avoid impacts to cultural resources, the more land that is converted to developed uses, the greater the potential for impacts to cultural resources. While any individual project may avoid or mitigate the direct loss of a specific resource, the effect is considerable when considered cumulatively. The 2005 GPU EIR concluded that the loss of historic or prehistoric resources from the past, present, and probable future projects in the Southern California/Northern Baja California, Mexico areas would contribute to cumulatively significant impacts to cultural resources.

The Project would not result in a significant impact to known archaeological resources. However, the Project could result in significant impacts to unknown archaeological resources or human remains that may be uncovered during Project development. While mitigation has been proposed that would reduce Project-related impacts to cultural resources to a less than significant level, because the extent of potential cultural resources is unknown at this time, cumulative impacts are concluded to be significant, consistent with the findings in the 2005 GPU EIR.

Mitigation Measures

Mitigation measures 5.7-1a through 5.7-1c would minimize impacts related to archaeological resources and human remains but not to a level below cumulatively significant.

Findings

No mitigation measures are available to reduce this impact to below a level of significance without restricting the development proposed for the Project and cumulative development to prevent any ground disturbance in areas potentially containing cultural resources. Implementation of the Reduced Project Alternative would not reduce this cumulative impact compared to the Project because implementation would include ground disturbing activities for construction. This impact would be avoided with implementation of the No Project (No Build) Alternative; however, pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the alternative infeasible. Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts

to cultural resources to below a level of significance, impacts would remain significant and unmitigated. Adoption of a Statement of Overriding Consideration would be required should the decision makers choose to approve the Project.

Agricultural Resources

Cumulative Impact: Direct Conversion of Agricultural Resources

The Project would result in the loss of Farmland of Local Importance and Grazing Land, which would have a significant impact with respect to agricultural resources.

Explanation

The Project is within the development scope of the General Plan. Prime Farmlands or Farmlands of Statewide Importance do not occur within the General Plan area; however, the Project is identified as containing Farmland of Local Importance and Grazing Land. The GDP EIR (EIR 90-01) identified the incremental and cumulative loss of agricultural lands in the Otay Ranch as a significant impact. As the Project would result in the loss of Farmland of Local Importance and Grazing Land it would have a significant impact with respect to agricultural resources. The incremental loss of farmland as a result of the Project in combination with other projects in Otay Ranch would result in a cumulatively significant impact with respect to agricultural resources, consistent with the GDP PEIR.

Mitigation Measures

No mitigation is available to reduce this cumulatively significant impact to a less than significant level.

Findings

Agricultural uses would continue to be allowed in the UID SPA Plan in the interim until buildout of the SPA. However, no mitigation measures are available to reduce long-term impacts to below a level of significance without restricting the development proposed in the UID SPA Plan to allow interim agricultural uses to continue in perpetuity. Therefore, this impact would remain cumulatively considerable and unavoidable.

There is no feasible mitigation measure to reduce this impact to below significance. While implementation of the Reduced Project Alternative would reduce this impact compared to the Project, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations would make the Project alternative infeasible. Additional findings related to alternatives are discussed in Section XI, below.

Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to below a level of significance, impacts to agricultural resources would remain significant and unmitigated. Adoption of a

Statement of Overriding Considerations will be required should the decision makers choose to approve the Project.

Public Utilities

Cumulative Impact: Wastewater Treatment Facilities

Project plus cumulative development would incrementally increase wastewater generation, resulting in an exceedance of wastewater treatment capacity.

Explanation

The sewer analysis for the Project determined that the proposed Project would result in an increase in wastewater demand of 1.074 million gallons per day. As discussed in Section 5.15, Public Utilities in the Final EIR, the City would need to acquire an additional 9.026 mgd of treatment capacity above current capacity rights to serve the buildout of the Project and cumulative development in the City. The Project's wastewater generation volume combined with other planned projects would require sewage treatment capacity beyond the City's existing capacity rights and allocated additional treatment capacity.

Mitigation Measures

No mitigation is available to reduce this cumulatively significant impact to less than significant levels.

Findings

The means by which additional treatment capacity would be acquired is unknown and the development of additional capacity may require the expansion of existing or construction of new treatment facilities. Existing policies require major developments to prepare a PFFP that articulates needed facilities and identifies funding mechanisms as well as provides the authority to withhold discretionary approvals and other measures. Implementation of these policies would therefore avoid significant cumulative impacts associated with a shortfall of treatment capacity. Mitigation measures are also provided to ensure that adequate wastewater facilities are provided concurrently with demand. Building permits for any project in the City will be issued only if the City Engineer at that time has determined that adequate wastewater treatment capacity exists to serve the proposed development. However, the location and scope of construction for any future expanded or newly developed treatment facilities is unknown and the development of additional treatment capacity may result in potentially significant and unavoidable cumulative impacts associated with construction of new or expanded treatment facilities even understanding that such projects would likely be subject to environmental review. Because no specific treatment facilities have been proposed, no mitigation measures can be developed.

There is no feasible mitigation measure to reduce this impact to below significance. While implementation of the Reduced Project Alternative would reduce this impact

compared to the Project, it would not be reduced to below a level of significance. This impact would be avoided with implementation of the No Project (No Build) Alternative. Pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make the Project alternative infeasible. Additional findings related to the Project alternatives are discussed in Section XI, below.

Because there are no applicable or feasible mitigation measures within the control of the City at this time to reduce impacts to below a level of significance, impacts to wastewater would remain significant and unmitigated. Adoption of a Statement of Overriding Considerations will be required should the decision makers choose to approve the Project.

XI. FEASIBILITY OF POTENTIAL PROJECT ALTERNATIVES

Because the Project would cause significant environmental effects, as outlined above, the City must consider the feasibility of any environmentally superior alternative to the Project as finally approved. The City must evaluate whether one or more of these alternatives could avoid or substantially lessen the significant environmental effects. Under these circumstances, CEQA requires findings on the feasibility of Project alternatives.

In general, in preparing and adopting findings, a lead agency need not necessarily address feasibility when contemplating the approval of a project with significant impacts. Where the significant impacts can be mitigated to an acceptable (insignificant) level solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the Project as mitigated (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376 [253 Cal.Rptr. 426]; Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515 [147 Cal.Rptr. 842]; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692 [270 Cal.Rptr. 650]). Accordingly, for this Project, in adopting the findings concerning alternatives, the City Council considers only those environmental impacts that, for the finally approved Project, are significant and cannot be avoided or substantially lessened through mitigation.

If an alternative is feasible, the decision makers must adopt a Statement of Overriding Considerations with regard to the Project. If there is a feasible alternative to the Project, the decision makers must decide whether it is environmentally superior to the Project. Proposed Project alternatives considered must be ones that "could feasibly attain the basic objectives of the project." However, the CEQA Guidelines also require an EIR to examine alternatives "capable of eliminating" environmental effects, even if these alternatives "would impede to some degree the attainment of the project objectives" (CEQA Guidelines Section 15126).

The City has properly considered and reasonably rejected Project alternatives as "infeasible" pursuant to CEQA. CEQA provides the following definition of the term "feasible" as it applies to the findings requirement: "feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Pub. Resources Code Section 21061.1). The CEQA Guidelines provide a broader definition of "feasibility" that also encompasses "legal" factors. CEQA Guidelines Section 15364 states, "the lack of legal powers of an agency to use in imposing an alternative or mitigation measure may be as great a limitation as any economic, environmental, social, or technological factor" (see also Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr.410]).

Accordingly, "feasibility" is a term of art under CEQA and thus may not be afforded a different meaning as may be provided by Webster's dictionary or any other sources. Moreover, Public Resources Code Section 21081 governs the "findings" requirement

under CEQA with regard to the feasibility of alternatives. Specifically, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless the public agency makes one or more of the following findings:

> "Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines Section 15091, Subd. (a)(1)).
>
> "Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines Section 15091, Subd. (a)(2)).
>
> "Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR" (CEQA Guidelines Section 15091, Subd. (a)(3)).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417 [183 Cal. Rptr. 898]). " '[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" (Ibid.; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182]).

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the finally approved project, while still resulting in significant environmental impacts, has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the decision makers have examined the finally approved Project objectives and weighed the ability of the various alternatives to meet objectives. The decision makers believe that the Project best meets the finally approved Project objectives with the least environmental impact.

The detailed discussion in Section IX and Section X demonstrates that all but five significant environmental effects of the Project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR. The remaining unmitigated impacts are the following:

- Aesthetics/Landform Modification (direct and cumulative impacts on scenic vistas and visual character and quality, a cumulative loss of views of open space);

- Air Quality (direct impact on air quality standards and cumulative impact on criteria pollutants);

- Cultural and Paleontological Resources (cumulative impacts to unknown archaeological resources and human remains);

- Agricultural Resources (direct and cumulative impacts on the conversion of Farmland of Local Importance and Grazing Land); and

- Public Utilities (direct and cumulative impact on construction of new wastewater facilities).

To fully account for these unavoidable significant effects and the extent to which particular alternatives might or might not be environmentally superior with respect to them, these findings will focus on the impacts listed above, but may also address the environmental merits of the alternatives with respect to all broad categories of impacts – even though such a far-ranging discussion is not required by CEQA. The findings will also assess whether each alternative is feasible in light of the City's objectives for the Project.

The City's review of Project alternatives is guided primarily by the need to reduce potential impacts associated with the Project, while still achieving the basic objectives of the Project. The SPA Plan defines, in more detail, the development parameters for the UID, including the location of development, the character and form of each transect, open space and recreational amenities, and infrastructure and services necessary to support the Project area. Specific objectives includes those previously listed in Section III.

The City evaluated two alternatives to the Project, which are discussed below: (1) No Project (No Build Alternative); and (2) the Reduced Project Alternative. Table 10-3 in the Final EIR provides a summary table comparing both of the alternatives. As the following discussion will show, no identified alternative qualifies as both feasible and environmentally superior with respect to the unmitigated impacts.

NO PROJECT (NO BUILD) ALTERNATIVE

CEQA Guidelines Section 15126.6(e)(3)(B) states that the No Project (No Build) Alternative is a "circumstance under which a project does not proceed" and may be considered the environmental effects of the property remaining in its existing state.

The No Project (No Build) Alternative assumes that no SPA Plan would be implemented for the UID and that the Project area would remain unchanged. Accordingly, the site characteristics of this alternative would be equivalent to the existing conditions for each category analyzed in the Final EIR.

Impacts

Aesthetics/Landform Modification

The No Project (No Build) Alternative would avoid all aesthetic/landform alteration impacts compared to the Project. Under this alternative, views of the Project and the character of the site would remain unchanged. The Project's direct and cumulatively considerable aesthetic impacts related to scenic vistas, scenic resources, and landform alteration would be avoided. Similar to the Project, this alternative would result in a less than significant impact related to consistency with General Plan and GDP policies related to aesthetics and landform alteration.

Air Quality

The No Project (No Build) Alternative would avoid the Project's significant and unavoidable direct and cumulative impacts related to air quality violations and air quality plans because no construction or operational emissions would result from this alternative. Impacts related to sensitive receptors would also be avoided because no new potential toxic air contaminant sources or sensitive receptors would be developed. Similar to the Project, the No Project (No Build) Alternative would result in less than significant impacts related to consistency with General Plan and GDP air quality policies.

Cultural and Paleontological Resources

Potentially significant direct and cumulative impacts related to archaeological resources, human remains, and paleontological resources would be avoided under the No Project (No Build) Alternative because no earth-disturbing construction activities would occur. Similar to the Project, the No Project (No Build) Alternative would be consistent with General Plan and GDP policies related to cultural resources, and impacts would be less than significant. Since there are no historical resources located on the Project site, potential impacts to these resources would not change with this alternative (no impact).

Agricultural Resources

The direct and cumulative significant and unavoidable impact related to conversion of agricultural resources would not occur under this alternative because no development would be implemented on the site, and no potential agricultural land would be converted to non-agricultural use. Potentially significant impacts related to land use conflicts would be avoided because no development would occur on site. Similar to the Project, the No Project (No Build) Alternative would not result in any conflict with agricultural policies.

Public Utilities (Wastewater)

The No Project (No Build) Alternative would not result in any impacts related to wastewater treatment compared to the Project because no development would occur. The No Project (No Build) Alternative would not result in any increased demand for wastewater services. The potentially significant and unavoidable direct and cumulative

impacts related to capacity of wastewater treatment facilities would be avoided under this alternative.

Findings

This alternative would avoid all of the Project's significant and unavoidable impacts associated with aesthetics/landform modification, air quality, cultural and paleontological resources, agricultural resources, and public utilities. However, the No Project (No Build) Alternative would not meet the overall goals and objectives of the City for future growth as outlined in the City's General Plan and the GDP. The regional metropolitan planning organization, SANDAG, has projected a specific growth in population by 2050. If development is eliminated in the UID, the planned future growth would be accommodated elsewhere, potentially inducing unplanned growth in another area of the City. Additionally, the City has identified the proposed development of the UID site as necessary to support future development of a University and associated uses, and support BRT Ridership east of SR-125. All other environmental impacts would be lessened by this alternative.

Additionally, the No Project (No Build) Alternative would not attain any of the 10 objectives of the Project because no SPA Plan would be adopted and no development would occur. Therefore, the No Project (No Build) Alternative would not accomplish any of the Project objectives.

This alternative would not attain any of the Project objectives because no SPA would be adopted and no development would be entitled on the Project site. Therefore, the No Project (No Build) Alternative would not accomplish any of the Project objectives. Therefore, pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible.

REDUCED PROJECT ALTERNATIVE

The Reduced Project Alternative would include about half of the development proposed within the UID SPA Plan under the proposed Project. This alternative was derived from the intention to provide a less dense approach to development in the SPA Plan area and to consider environmental impacts at a reduced density when compared to the Project. This alternative reduces all development by approximately 50 percent. As such, a maximum of 5,033,100 square feet of development would occur under this alternative, compared to 10,066,200 square feet under the Project.

Impacts

Aesthetics/Landform Modification

Similar to the Project, the Reduced Project Alternative would result in less than significant impacts related to scenic roadways and steep slopes. This alternative would result in similar grading because the development locations would be similar. Although densities would be reduced, similar land uses would be developed across the UID Project site. Similar to the Project, implementation of the design guidelines in the SPA

Plan would reduce direct impacts to a less than significant level. However, significant direct and cumulatively considerable impacts related to scenic vistas, visual character, and loss of rolling hills would be significant and unavoidable under this alternative, similar to the Project because a loss of views of open rolling hills would still occur. Significant impacts related to lighting and glare, including shading, would also occur under this alternative, but would be reduced because this alternative would result in fewer high-rise buildings associated with the reduced amount of development.

Air Quality

The Reduced Project Alternative would result in reduced impacts related to air quality violations compared to the Project because fewer construction and operational emissions would result from this alternative. This alternative would result in similar construction activities and associated emissions from grading, paving, and underground utility installation; however, because fewer structures would be constructed, building construction and coating emissions would be reduced. Operational emissions would be reduced and some impacts would be avoided when compared to the Project. Similar to the Project, cumulative construction emissions would remain cumulatively considerable and unavoidable under this alternative due to the amount of grading required.

Regarding operational emissions in 2030, impacts under this alternative would likely remain significant and unavoidable for VOC and NO_X due to the exceedances anticipated by the Project. While this alternative would result in half of the anticipated development analyzed under the Project, the Project's anticipated emissions are to a degree that would not avoid a significant long-term cumulative impact. For instance, Project-related emissions of VOCs in the long-term would exceed the threshold by more than five times and emissions of NO_X would exceed the threshold by more than three times. Reducing the Project by half is not expected to reduce the long-term VOC emissions to a less than significant level. Project-related impacts to CO and PM_{10}; however, would likely be avoided under the Reduced Project Alternative, as their exceedances in the proposed Project scenario are less than twice the allowed amount. Similar to the Project, exceedances for SO_X and $PM_{2.5}$ would not occur. However, long-term emissions would still exceed regional thresholds in 2030 and would be cumulatively considerable and unavoidable under this alternative, similar to the Project.

The Reduced Project Alternative would not exceed the RAQS growth assumption for the UID. However, this alternative would still result in new significant and unavoidable criteria pollutant emissions. Cumulative impacts would remain significant and unavoidable, similar to the Project. Less than significant impacts related to consistency with General Plan air quality policies would be similar to the Project under the Reduced Project Alternative.

Cultural and Paleontological Resources

Impacts related to historical resources would be less than significant under the Reduced Project Alternative, similar to the Project, because no historical resources are located in the UID site. Potentially significant impacts related to archaeological resources, human

remains, and paleontological resources would be the same as the Project because this alternative would have the same development footprint as the Project and would require similar ground disturbing activities. The mitigation measures required for the Project would also be required for Reduced Project Alternative. Similar to the Project, even with implementation of these mitigation measures, the alternative's incremental contribution to impacts to unknown resources and human remains would be cumulatively considerable and unavoidable due to the potential for discovery of these resources in the UID area.

Agricultural Resources

A significant and unavoidable direct and cumulative impact related to conversion of agricultural resources would occur under this alternative, similar to the Project, because this alternative would have the same development footprint as the Project and would result in the conversion of land to non-agricultural use. Similar to the Project, the Reduced Project Alternative would potentially result in land use conflicts without mitigation that requires implementation of an agricultural plan to prevent land use conflicts. This alternative would not result in any conflict with agricultural policies and impacts would be less than significant.

Public Utilities (Wastewater)

The Reduced Project Alternative would result in reduced demand for water, wastewater treatment, solid waste, and recycled water compared to the Project because less development would occur. Energy impacts would be similar under the Reduced Project Alterative and would result in no net increase in energy use. However, the mitigation measures identified for the Project to ensure provision of public utilities concurrent with development would also be required under this alternative. The significant and unavoidable impacts related to wastewater under the proposed Project would be reduced; however, the Reduced Project Alternative would still result in significant and unavoidable wastewater impacts.

Findings

This alternative would avoid none of the Project's significant and unavoidable impacts associated with aesthetics/landform modification, air quality, cultural resources, agricultural resources, and public utilities. The Reduced Project Alternative would not meet six of the ten Project objectives. The Reduced Project Alternative would still provide higher education opportunities at the UID site and would therefore meet Objective 1. Objective 2 would also be met because, while there would be approximately half of the amount of university-related spaces under this alternative, personal and professional growth would still occur with the reduced amount of university uses. This alternative would also meet Objective 8 because the development of a university site with a mix of commercial and residential uses would be unique to the area and would be a regional amenity unlike any other in the San Diego region. Lastly, Objective 10 would be met by this alternative because multi-modal streets and transit stops would be included, similar to the Project.

The Reduced Project Alternative would create a mixed-use area with urban and campus development, but these uses would be reduced by about half under this alternative. Because of the reduced size, the financially viability and ability to attract a wide range of students would be equally diminished, and as a result, the effectiveness and creativity of the university uses would also be reduced compared to the objectives contemplated for the UID SPA Plan. Also, the reduction of non-campus development would reduce the amount of high-quality potential jobs available to area residents by about half. The reduction of development under this alternative would also only partially meet the objective to allow flexibility for campus development. As a result, this alternative would only partially meet Objectives 3, 4, 5, 6, 7, and 9. Therefore, pursuant to Section 15091(a)(3) of the CEQA Guidelines, specific economic, legal, social, technological, or other considerations make this alternative infeasible.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires that an EIR identify the environmentally superior alternative among all of the alternatives considered, including the Project. If any No Project alternative is selected as environmentally superior, then the EIR is required to identify an environmentally superior alternative among the other alternatives.

The No Project (No Build) Alternative would be the environmentally superior alternative, as it would entirely avoid the Project's significant and unavoidable impacts associated with aesthetics (direct loss of undeveloped character from a scenic vista, cumulative modification of visual character, and cumulative loss of views of open space), air quality (direct and cumulative conflict with air quality plans and violation of air quality standards), agricultural resources (direct and cumulative conversion of agricultural resources), cultural resources (cumulative impacts to unknown archaeological resources and human remains) and utilities (direct and cumulative impacts related to wastewater). However, as the No Project (No Build) Alternative is determined to be environmentally superior, another environmentally superior alternative must be identified. Therefore, the Reduced Project Alternative is identified as the environmentally superior alternative as it would reduce air quality, noise, and traffic impacts.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The Project would have significant, unavoidable impacts on the following areas, described in detail in Section IX of these Findings of Fact:

- Aesthetics/Landform Modification (direct and cumulative impacts on scenic vistas and visual character and quality);
- Air Quality (direct impact on air quality standards and cumulative impact on criteria pollutants);
- Agricultural Resources (direct and cumulative impacts on the conversion of Farmland of Local Importance and Grazing Land); and

- Public Utilities (direct impact on construction of new wastewater facilities).

The City has adopted all feasible mitigation measures with respect to these impacts. Although in some instances these mitigation measures may substantially lessen these significant impacts, adoption of the measures will, for many impacts, not fully avoid the impacts.

Moreover, the City has examined a reasonable range of alternatives to the Project. Based on this examination, the City has determined that neither of the alternatives: (1) meets Project objectives, and (2) is environmentally preferable to the Project.

As a result, to approve the Project, the City must adopt a "statement of overriding considerations" pursuant to CEQA Guidelines sections 15043 and 15093. This provision allows a lead agency to cite a Project's general economic, social, or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. The provision explains why, in the agency's judgment, the Project's benefits outweigh the unavoidable significant effects. Where another substantive law (e.g., the California Clean Air Act, the Federal Clean Air Act, or the California and Federal Endangered Species Acts) prohibits the lead agency from taking certain actions with environmental impacts, a statement of overriding considerations does not relieve the lead agency from such prohibitions. Rather, the decision-maker has recommended mitigation measures based on the analysis contained in the Final EIR, recognizing that other resource agencies have the ability to impose more stringent standards or measures.

CEQA does not require lead agencies to analyze "beneficial impacts" in an EIR. Rather, EIRs are to focus on potential "significant effects on the environment," defined to be "adverse." (Pub. Resources Code Section 21068.) The Legislature amended the definition to focus on "adverse" impacts after the California Supreme Court had held that beneficial impacts must also be addressed (See, Wildlife Alive v. Chickering (1976) 18 Cal.3d 190, 206 [132 Cal.Rptr. 377]). Nevertheless, Project benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines Section 15093).

The City finds that the Project would have the following substantial benefits. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section IV.

The City, after balancing the specific economic, legal, social, technological or other benefits of the Project, including considerations for the provision of employment opportunities, determines and finds that the unavoidable adverse environmental effects may be considered "acceptable" due to the following specific considerations.

The UID SPA Plan would be used as a tool to guide and direct new development, economic development, streetscape and traffic improvements, parking, pedestrian amenities, education land uses, and mixed land uses in the specific plan area. A total of 10,066,200 square feet would support a total of 34,000 people including a mix of students, faculty, staff, residents, and office/retail workers. The university land uses are assumed to include up to 20,000 full-time students and 6,000 university faculty and staff. Innovation uses would include a mix of office, laboratory, and retail uses to support up to 8,000 jobs. Residents on the site are anticipated to include up to 5,400 students and 6,000 non-student residents within 2,000 market-rate units. A total of 13,500 parking spaces would be provided at full build-out to support the proposed UID SPA Plan development.

PROJECT BENEFITS

Through implementation of the Project, the following benefits would be provided to the specific plan area, and the City as a whole:

1. **Implementation of the City's General Plan and Otay Ranch GDP**. The proposed Project would implement the land uses planned by the City for the UID in the General Plan and GDP. Implementation of the proposed Project would aid the City in meeting the goals and objectives for Citywide growth, including important connections in the projected future roadway network. Specifically, the Project as proposed would fully implement Land Use and Transportation Policies 1, 3, 5, 6, 7, 16, 61, 65, 72, 74, 84, 87, 89, 90, 91, 95, and 96, as described below:

    - Objective LUT 1 addresses a balance of residential and non-residential development in the City overall that "achieves a vibrant development pattern, enhances the character of the City, and meets the present and future needs of all residents and businesses." The Project would support this objective through consistency with the zoning code, integration of the Project into the overall Otay Ranch residential and commercial uses, provision of the long-planned for university focus in this portion of the City, provision of jobs in proximity to housing, provision of a variety of housing that is responsive to a variety of economic needs (including students), and specifically planning for cultural outreach and art viewing locations within the Project.

    - Objective LUT 3 addresses urban design and new development that blends with, and enhances, the City's character and social/physical qualities. The Project would support this objective through its development plan and design guidelines. The Project is planned to be a landmark university destination. It would provide a draw to the community for its educational amenities, as well as innovative architecture and intervening public spaces. Structures on the southern and eastern perimeter of the Main Campus development, in particular, as well as structures on the Lake Property, would be designed to be architecturally interesting and to take advantage of the expansive open space and canyon views afforded from these locations.

- Objective LUT 5 requires designation of mixed use areas with denser housing near shopping, jobs, and commercial uses, as well as being sited in proximity to more focused residential and commercial/employment opportunities provided in planned Villages 9 and 10, and the Millenia development, respectively. Daycare, shopping, entertainment, parks, and recreation would all be incorporated into the Project, and would be located offsite in proximity. The Project is planned to be easily walkable, with both north-south and east-west linear pedestrian walks totaling over 14 acres of the Project site. Transit (BRT) would be available along the western edge of the Project site, along Orion Avenue at a transit stop at Campus Boulevard, which would allow Project residents and visitors to enter the overall urban core, town center, and campus commons via the Transit Walk and Center Walk. The Project also would be accessible via mixed use pathways and bike lanes from Hunte Parkway, Eastlake Parkway, and Greenbelt trails feeding into the Project.

- Objective LUT 6 requires that adjacent land uses be compatible with one another. The Project would support this objective through placement of UID uses in proximity to High Tech K-12 School, and a seamless integration into planned Villages 9 and 10. The portion of the Project site adjacent to future Villages 9 and 10 is identified as a flex area, and is planned for District Gateway, Urban Core, Town Center, and Common Space/Transit Walkway uses. Village 10, originally part of the Project site, would provide single-family and multi-family housing, as well as other uses. Structures would meld into the higher intensity Village 9 uses and would be planned in conjunction with Village 10 in the portions of the Project site that abut Village 10 boundaries (these areas are currently identified for “Future Development”). Both planned Villages 9 and 10 specifically call out the Project in their planning documents, noting that they would complement and provide support services for Project residents/users. Performance standards requiring elements such as screening of outdoor storage areas are provided in the SPA Plan.

- Objective LUT 7 focuses on transitions between land uses. The Project is an innovative plan that integrates mixed uses in a way that provides easy access to commercial, retail, and work opportunities for Project residents on the Main Campus Property. It also identifies focused zones for more intensively focused uses and identifies several transition zones. Specifically, Transect T-3: Campus Commons uses edge portions of the Urban Core and Town Center transects and would include development at lower density and scale to transition to the southern open space areas. Transect T-2: Campus Vista includes broad open space and walk areas to provide a transition to naturalized open spaces and southern-facing views. Transect T-1:Future Development would allow limited development at low intensities to serve as the final transition between the build and natural environments. A planned future San Diego Gas & Electric (SDG&E) substation south of Hunte Parkway is separated from planned Project uses by open space. On the Lake Property, the small Lake Blocks would be surrounded by open space and the Preserve Edge, adjacent to the Preserve. Performance standards are provided in the SPA Plan.

- Objective LUT 16 requires integration of land use and transportation planning and related facilities. The Project would support this objective through minimization of the need to go “off-site” through incorporation of shopping and employment opportunities on site, as well as inclusion of walking and biking trails, future transit stops, access to planned BRT stops, and adequate roadways for motorized vehicles. A potential transit station has been identified in the Town Center, with a BRT stop planned for the intersection of Orion Avenue and Campus Boulevard. Safe pedestrian and bicycle access to the transit stop would be provided through a system of village pathways, sidewalks, trails, and bicycle lanes that connect all Project areas.

- Objective LUT 61 addresses balanced communities and provision of a high quality of life to residents. The Project would support this objective through inclusion of mixed uses which, at build out, would offer residential, employment, and retail opportunities providing for balanced communities. The educational/research options provided by the campus facilities, combined with the diversity of residential and commercial/retail uses, and a variety of walking/recreation/open space uses, would provide a vibrant sense of community and contribute to a vigorous economy, and a healthy environment, and a resultant high quality of life. All entryway signage would be consistent with the requirement to include “City of Chula Vista” on community identification signs.

- Objective 65 requires promotion and provision of a multi-institutional university center or traditional university in the East Planning Area, which is one of four City-wide planning areas identified in the City’s General Plan Land Use and Transportation Element. The Project is directly responsive to this objective through innovative design of a multi-institutional university in Otay Ranch.

- Objective LUT 72 requires comprehensive, well-integrated and balanced land uses within villages and town centers, which are compatible with surroundings. This objective ties together a number of elements specifically addressed above for Objectives LUT 3, 5, 6, 7, 16, and 61. In addition, the transect development pattern of the Project is responsive to the requirement in LUT 72.7 for a grid circulation pattern offering a wider range of mobility choices and routes. Bicycle lanes and sidewalks tie into larger pedestrian walks, and bike/pedestrian routes off site are provided via Hunte Parkway to the north and tie into Greenbelt trails to the south, leading to more distant portions of the City.

- Objective LUT 74 focuses on diversification of the economic base within Otay Ranch and southern San Diego County as a whole. The Project would support this objective through provision of the university and campus uses. This is a markedly different use from most development and job uses, focused as it is on education and research opportunities on a large scale, and designed to bring people into this portion of the County for specific educational opportunities. The Project is designed not only to provide self-supporting uses to its residents and users, but also to synergistically support residential and commercial/retail uses provided in adjacent Otay Ranch villages and the future Millenia development.

- Objective LUT 84 focuses on provision of land uses and recreational opportunities that do not threaten the viability of the Otay Ranch Preserve and are consistent with the OVRP Concept Plan. A number of the recreational walks and common space areas proposed for the Project are located interior to the development footprint, adjacent to commercial/retail or the campus commons. Perimeter development, infrastructure in the Preserve, and the Preserve Edge buffer, as well as potential effects on the OVRP Concept Plan are addressed in detail in the UID biological technical report and Section 5.6 of this EIR. As described in portions of this chapter addressing the MSCP, Preserve, and OVRP Concept Plan, impacts would be less than significant based on Project design and/or mitigation.

- Objective LUT 87 requires a "distinctly identifiable" corridor with a "unique sense of place" through its integration of diverse uses/land uses within a cohesive development pattern that connects proposed uses to adjoining communities, open spaces, and the sub-region. The Project would support this objective through elements described for LUT 5, 6, 7, 16, 72, and 84. The transect development program specified in the UID SPA Plan is uniquely applicable to this objective. The strong integration of the university campus area with broad pedestrian and common space malls, combined with the innovative architecture anticipated in the SPA Plan and adjacency to the Preserve and views of canyons and mountains (as well as connecting paths and Greenbelt trails) available from the Project combine to satisfy this objective.

- Objective LUT 89 requires establishment of a university campus that promotes economic development and serves as a center of education, prestige, and distinction for Chula Vista and southern San Diego County. As noted for LUT 65, the Project is directly responsive to this objective through innovative design of a multi-institutional university. Business innovation development that supports a campus atmosphere is proposed for 25 percent of the Project site.

- Objective LUT 90 requires a campus that is accessible to students regionally and bi-nationally. The Project would support this objective through its open accessibility to regional students via SR-125 and primary East Planning Area roadways such as Hunte Parkway, Eastlake Parkway, and Otay Valley Road, as well as through BRT and Rapid Bus, and non-motorized vehicular access via regional trails and the Greenbelt trail system. With regard to student draw, a Project objective is to provide higher education opportunities for Chula Vista residents and the broader San Diego-Tijuana region, serving the shifting demographics of the San Diego region, and the United States in general. Student housing of various types is proposed in the SPA Plan, including non-traditional housing types not currently found in the Otay Ranch. These include undergraduate and graduate dormitories and other mixed-use student housing projects (including post-graduate housing) that differ from the single- and multi-family housing stock seen in most of the existing Otay villages. Offering student housing and residential amenities to prospective University partners will be a key aspect to attracting institutional anchors in the future. The Project's focus on

innovation would also drive residential capacity as today's startups and technology workers often prefer living in urban mixed-use areas to traditional detached residential neighborhoods.

- Objective LUT 91 requires a campus that combines a learning institution into a cohesive and well-designed area that enhances pedestrian activity and livability, respects the natural setting, and is integrated into adjoining communities. The Project is directly supportive of this objective, as detailed in the SPA Plan, which includes design elements, set-backs, and parking requirements, among other things. Discussions for LUT 5, 6, 7, 16, 61, 84, and 87 are also directly responsive to Project consistency with policies under this objective.

- Objective LUT 95 requires a pedestrian-oriented, mixed-use Town Center that provides an interface ("common meeting ground") of the University, RTP, and surrounding residential uses at a size and location shown in the General Plan. The Project would support this objective by being located in the general location of the General Plan identified University use, and as described in LUT 1, 3, 5, 6, 72, 74, and 87. No regional serving or large-format commercial uses are proposed. The Project would be easily walkable – pedestrian only walkways, in some cases of substantial width – are included along roadways and bisecting development areas where roadways are absent. Development intensity reduces to the south, with the District Gateway, Urban Core, and Town Center Uses located north to south, respectively, and Habitat Conservation and Campus Vista properties being located north of Preserve areas and Village 10. A "permeable edge" is proposed between the Project and Villages 9 and 10, intended to support the university uses. Streets would provide an interconnected grid system, and generally would be narrow. Library, performing arts, galleries, cultural facilities, retail, food service and similar uses are all considered appropriate for Project development, and would be shared by surrounding residential communities.

- Objective LUT 96 requires a unified community providing public facilities such as schools, parks, and open spaces, that promotes walking and bike riding. The Project would support this objective through establishment of a destination university, visual and physical access to community and open spaces, and design that promotes pedestrian and non-mechanized vehicles, particularly as described under discussion of Project consistency with LUT 16, 72, 87, and 95.

2. **Transit Oriented Development**. The Project would provide transit-oriented development, which would involve multi-dimensional land use patterns, a smart-growth community, an increase in efficient public transportation and ridership, and higher residential densities to reduce reliance on automobiles, reduce air emissions, and to connect to other transit-oriented development in the City as part of a regional system.

   a. Multi-Dimensional Land Use Patterns. Design neighborhoods with compact and multi-dimensional land use patterns that ensure a mix of uses and joint

optimization of transportation modes to minimize the impact of cars, promote walking and bicycling, and provide access to employment, education, recreation, entertainment, shopping, and services.

b. Smart-Growth Community. The Project would create a place where residents can live, work, learn, shop, and play. The Project would allow residents in the SPA to shop and work in their community by providing attractive amenities close to home.

c. Efficient Public Transit and Increased Ridership. Establish a pedestrian and transit-oriented development to reduce reliance on the automobile and promote walking and the use of bicycles, buses, and regional transit. The transit-oriented development concept also promotes more efficient public transit and increased ridership by providing strong activity centers in surrounding villages and making transit close and convenient for most residents.

d. Higher Residential Densities. Higher residential densities at the core are intended to support commercial uses by activating the village core during all hours of the day and promote more walkable communities by providing facilities and services within a quarter mile of most homes.

3. **Economic Benefits**. The UID SPA Plan would help grow the local economy in several ways. It will create a new university campus with campus-related uses, which is different from most development and job uses, and will focus on education and research opportunities on a large scale, attracting people to the City for specific educational opportunities. The Project is designed to support and complement adjacent Otay Ranch villages and the future Millenia development. The construction of development under the UID SPA Plan would generate substantial revenue to the local economy and provide a significant number of construction-related jobs over a 20+ year construction period. Those that would benefit from employment from development under the UID SPA Plan would range from students and adults filling part-time and full-time positions, skilled tradesmen filling certain commercial positions, and professionals filling commercial and office positions. Persons that live in the surrounding residential portion of the specific plan area could be prime candidates for employment opportunities created by the development of the Project area.

4. **Aesthetic Benefits**. The specific land uses and development regulations proposed in the UID SPA Plan would ensure orderly, high quality development of the area. The general development regulations that would create cohesive and enhanced visual quality in the area include the following:

- Development Concept
- Building Configurations
- Frontage Types
- Performance Standards
- Sign Regulations

- Design Guidelines

5. **Recreational Benefits**. The UID SPA Plan identifies 95.1 acres in Sectors O-1, O-2, and O-3, which would provide flexible areas that may contain play areas, seating areas, public plazas, academic sports facilities, dog parks, open areas, and water features. The common space areas are composed of social space and sloped areas. The pedestrian walks (14.5 acres) are described as providing more traditional park amenities suitable for permanent (non-student) residents, and the habitat conservation areas (41.4 acres) also provide recreational amenities.

6. **Housing Benefits**. The Project will help meet a projected long term regional need for housing through the provision of future additional housing. San Diego Association of Governments housing capacity studies indicate a shortage of housing will occur in the region within the next 20 years. Over the 20+ year anticipated build out, the Project could increase the housing stock in the City by up to 2,000 dwelling units. Phasing will occur in response to market conditions, which will help fulfill the demand for housing.

   The City finds that there is substantial evidence in the administrative record of benefits related to the provision of transit orientated development, employment and economic opportunities, enhanced visual quality, recreational opportunities, and housing which would directly result from approval and implementation of the Project. The City finds that the need for these benefits specifically overrides the significant and unavoidable impacts of the Project on aesthetics/landform modification; air quality; agricultural resources; cultural and paleontological resources; and public utilities. Thus, the adverse effects of the Project are considered acceptable.